



# **COMPLAINTS POLICY & PROCEDURES**

*Due to be reviewed - January 2019*



*Shirley Warren Primary and Nursery School is fully committed to ensuring that the application of this Complaints Policy is non-discriminatory in line with the UK Equality Act (2010).*

*Shirley Warren Primary and Nursery School seeks to implement this policy through adherence to the procedures set out in the rest of this document.*

*This document is available to all interested parties on request from the School office*

*This policy is adopted by the Shirley Warren Primary and Nursery School Governing Body and reviewed annually by the Headteacher, or as events or legislation change requires.*

*The next scheduled date for review January 2019.*

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## **Policy Statement**

### **At Shirley Warren Primary and Nursery School we believe that:**

- We work in partnership with parents and seek to improve our school by paying close attention to their concerns.
- All complaints from parents will be received courteously.
- Parents should feel that their complaint has received full attention.
- All complaints will be fully investigated.
- Parents will receive prompt feedback.
- Urgent complaints will receive immediate attention.
- Complaints, wherever possible, should be resolved through open, informal discussion between the parent and the class teacher.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary.
- Address all the points at issue and provide an effective and prompt response.
- Respect complainants' desire for confidentiality.
- Treat complainants with respect.
- Keep complainants informed of the progress of the complaints process.
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website



This policy does not cover complaints procedures relating to:

- Admissions.
- Statutory assessments of special educational needs (SEN).
- Safeguarding matters.
- Exclusion.
- Whistle-blowing.
- Staff grievances.
- Staff discipline.

Please see our separate policies for procedures relating to these types of complaint.



## Complaints Procedure

### Timescales

These guidelines have been written to ensure that all complaints will be dealt with as quickly and efficiently as possible by the school. The length of the period of time to respond to and resolve complaints will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled. The intention is that all complaints will be settled within a period which is considered reasonable by all parties and where appropriate indicative timescales have been identified. All complaints will be acknowledged within five working days of receipt.

### Concern or complaint?

Any concerns expressed by parents and others about the school curriculum and related matters should be addressed by informal discussion with the teacher(s) and member of the school's Senior Leadership Team in the first instance. This includes complaints about religious education and collective worship, the operation of charging policies and the provision of information.

### Levels of complaint

There are 4 levels which define the procedure for making a complaint:

- Level 1 – informal complaint to the teacher or senior member of staff (e.g. Year Leader).
- Level 2 – formal complaint to the Headteacher.
- Level 3 – formal complaint to the Chair of Governors.
- Level 4 – formal complaint to the Governing Body's Complaints Appeal Panel.

#### Level 1

- If parents have any concerns about their child's educational progress they should first discuss their concerns with the class teacher. This usually enables the problem to be sorted out swiftly and to everyone's satisfaction. Class teachers will share concerns/complaints, as appropriate, with their year leader or a member of the school's Senior Leadership Team (SLT).
- If, following discussion with the class teacher, the parent is still not satisfied, they may wish to bring their concerns to the attention of the Year Leader or a member of the school's Senior Leadership Team (SLT). Full investigation and discussion should enable most complaints to be resolved at this stage.
- Expressions of concern or complaints at this stage may be verbal or in writing.

#### Level 2

- Where complaints cannot be resolved informally the matter may then be considered to be the subject of a formal complaint and the complainant may then refer it to the Headteacher.
- The formal complaint should be made in writing and a suggested format for the complaint is provided in Appendix A.
- Acknowledgement of receipt of this complaint will be made within 5 school days.



- The Headteacher will fully investigate the complaint and respond, in writing, within 10 school days.
- Where a formal complaint concerns the Headteacher then it will be referred to the chair of governors.

### **Level 3**

- Where complaints cannot be resolved by the Headteacher the matter may then be considered to be the subject of a formal complaint to the Chair of Governors.
- If any complaint is received by individual governors, including the chair, before the above stages have been completed, those governors will refer the parent to the teacher or a member of the Senior Leadership Team (SLT) and to the published Complaints Policy.
- A formal complaint to the Chair of Governors will need to be in writing to the clerk or chair of the governing body. A suggested format for making a formal complaint is provided in Appendix A. Acknowledgement of receipt of the complaint will be made within 5 school days.
- Depending on the nature of the complaint, it may be that action will need to be taken by the chair before a panel meets. This may include the resolution of the complaint without proceeding to a governors' panel hearing.
- Urgent cases will be considered as a priority and the time between receipt of the complaint and the panel hearing will not normally exceed 15 school days. Guidelines relating to the panel hearing are included in Appendix B.
- The complainant may wish to make an oral presentation in support of their complaint and may wish to be accompanied by a friend or representative.
- The panel will consider the complaint and the chair of the panel will notify the complainant, in writing, of the panel's decision within 5 school days.

### **Level 4**

- A complainant who remains dissatisfied after their formal complaint has been fully considered under the arrangements described in this policy will be able to make a complaint to a panel of the school's Governing Body.
- A panel of governors will be established to investigate and hear the complaint. The panel will not previously have been involved in any detailed discussion of this complaint.



## Nature of Complaint

Complaints about the education provided for pupils are to be considered as complaints about the governing body's responsibilities in respect of the school curriculum, but will not cover complaints about the actions of individual teachers or the Headteacher.

If, in the course of consideration of a complaint, the Headteacher and/or governing body conclude that disciplinary or other proceedings should be initiated, they will take separate action as appropriate.

## Unreasonable Complaints

Shirley Warren Primary and Nursery 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. 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 Governing Body.
- 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 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 Shirley Warren Primary & Nursery School.



## Policy Monitoring & Review

### Recording complaints

- The Headteacher will monitor all written complaints and keep a copy of all relevant correspondence.
- If there are a number of complaints about the same issue, or a rise in the number of complaints overall, the Headteacher will ensure a full investigation is undertaken.

### Governing body review

- The governing body will monitor the level and nature of all written complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. The process of listening to, and resolving complaints will contribute to school improvement.
- Wherever practicable, complaints information shared with the whole governing body will not name individuals.

## Further Information

**Complaints Procedure Toolkit** (Department for Education, 2016)

Available on the [DfE website](#)



## Appendix A – Formal Complaint Form

If making a complaint in writing the following form identifies the key information required.

Name:	
Pupil's name:	
Relationship to the pupil:	
Address:	
Postcode:	
Day time telephone:	
Evening phone:	
Please give details of your complaint	
What action, if any, have you already taken to try and resolve your complaint? (i.e. 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 paperwork? If so, please give details.

Signature:

Date:

**Official use:**

Date note of receipt sent:

Sent by:

Complaint referred to:

Date:



## Appendix B – Complaints Panel Guidelines<sup>1</sup>

### The Complaints Panel

- The governing body will nominate a number of members with delegated powers to hear a formal complaint.
- The panel will consist of an uneven number of governors, usually 3.
- No governor may sit on the panel if they have had a prior involvement in the complaint or the circumstances surrounding it.
- In deciding the make-up of the panel, every effort will be made to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- The complaints panel will select their own chair.

### The Remit of the Complaints Panel

- It is important that the panel hearing is independent and impartial and that it is seen to be so.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it is 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.
- The panel can:
  - 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 mitigate against problems of a similar nature reoccurring.

### The Role of the Clerk

- The complaints panel will normally be clerked by the Clerk to the Governors unless that person is either unavailable or part of the complaint. In such cases alternative clerking arrangements will be made.
- The clerk will be the contact point for the complainant and will be required 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;
    - notify all parties of the panel's decision.

### The Role of the Chair of the Complaints Panel

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<sup>1</sup> Taken from the *Complaints Procedure Toolkit* (Department for Education, 2016)



The chair of the panel will ensure that:

- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption.
- The issues are addressed.
- Key findings of fact are made.
- The panel seeks to assist parents and others who may not be used to speaking at such a hearing to feel at ease.
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy.
- The panel is open minded and acting independently.
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.
- Each side is given the opportunity to state their case and ask questions.
- Written material is seen by all parties and if any new and relevant issue arises give all parties the opportunity to consider and comment on it.
- Notify the complainant of the panel's decision, in writing. The letter will also explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

### **Checklist for a Complaints Panel Hearing**

The panel needs to take the following points into account:

- The hearing will be as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the 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 is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.