



*Learning for Life*

## **Fawbert & Barnard's Primary School**

# **Complaints Policy**

Staff consulted:	October 2018
Ratified by Governing Body:	November 2018
Review Date:	November 2020

## Compliments

These are always welcome and very encouraging to teachers and staff. The school encourages feedback or opinions from pupils and parents. In practice this dialogue is continuous through our use of the Home/School Books and sometimes directly through the Annual Surveys. It may not always be possible to act immediately but pupils and the school always benefit so please don't hold back.

## The difference between a concern and a complaint - DfE Jan 2016

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*'.

## Concerns

It is natural that parents may, occasionally, be concerned about an aspect of their child's education or welfare at school. This could include issues concerning the school's approach to aspects of the curriculum, homework, behavioural problems or any other issue.

Fawbert & Barnard's encourages enquiries from parents about any matter. Teachers and staff will explain the school practices, policies, and how they affect the pupils. The vast majority of concerns will be handled by the class teacher or Head of Key Stage.

If matters are not resolved to everyone's satisfaction after a series of meetings, the matter will go to the Deputy Head Teacher. The usual format is to speak to the child's class teacher in the first instance, or to contact the school office to arrange an appointment to discuss your concern with the appropriate person. At all times staff will help to resolve a problem.

Parents will be asked what they think might resolve the concern. If parents feel they must state their concern formally, this will be addressed in a similar manner. The school has defined procedures for handling complaints.

## Complaints

Should you reach the point where your concern has not been addressed or resolved you may wish to progress to formal complaint procedures. The correct procedure is to speak to the child's class teacher in the first instance or contact the school office to arrange an appointment to discuss your complaint with the appropriate person. The school's policy is to follow Department for Education guidelines when handling concerns and complaints. This Complaints Policy is available on the Fawbert & Barnard's School website.

### There are 3 stages to the policy.

**Stage 1** aims to resolve the issue raised through informal contact at the appropriate level in school.

**Stage 2** is the first formal stage where written complaints are considered by the Headteacher (or a designated governor, if the complaint is about the Headteacher), who has responsibility for dealing with complaints.

**Stage 3** is the next step after Stage 2 is complete. This involves a review of the complaint by the Chair of Governors, who may convene a complaints review panel of 2 governors or trustees plus 1 Member who is independent of the management and running of the school, if deemed appropriate.

**\*Please note that 'working days' do not include school holidays or weekends.**

## **Stage 1 – Initial contact with the school**

1. All issues raised will be dealt with when you make them known to us. The first point of contact should be your child's class teacher or the main receptionist.
2. If appropriate, we will meet with you, or contact you by telephone or email, as soon as possible after your concern is made known to us.
3. All members of staff know how to refer, if necessary, to the appropriate person with responsibility for particular issues raised by you. He or she will make a clear note of the details and will check later to make sure that the matter has been followed up.
4. We will ensure that you are clear what action or monitoring of the situation, if any, has been agreed.
5. We will ensure that we speak directly to all appropriate persons who may be able to assist us with our enquiries into the issue raised.
6. We will discuss with you (normally within ten working days) the progress of our enquiries. You will have the opportunity of asking for the matter to be considered further, once we have responded to your concern.
7. If you are not satisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage.

## **Stage 2 - Formal consideration of your complaint**

This stage in our procedures deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined under Stage 1 above. For your convenience, a form is attached as an appendix to this policy, but its use is optional. You may prefer to write a formal letter or email.

1. Normally, your written complaint should be addressed to the headteacher. If, however, your complaint concerns the headteacher personally, it should be sent to the school marked *For the attention of the Chair of Governors*.
2. We will acknowledge your complaint in writing as soon as possible after receiving it.
3. Normally we would expect to respond in full within ten working days but if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.
4. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.
5. The Headteacher or Governor for Complaints / Chair of Governors may also be accompanied by a suitable person if they wish.
6. Following the meeting, the Headteacher or Governor for Complaints / Chair of Governors will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.
7. It is hoped that any necessary interviews with pupils would already have been undertaken as part of the Stage 1 enquiries. However, if it becomes necessary to interview pupils at this stage, there will always be two adults present.
8. The Headteacher or Governor for Complaints / Chair of Governors will keep written/typed, signed and dated records of all meetings and telephone conversations, and other related documentation.

9. Once we have established all the relevant facts, we will send you a written response to your complaint. This will give a full explanation of the Headteacher's, Governor for Complaints' or Chair of Governors' decision along with the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to an additional meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
10. It is hoped that at this stage, a line can be drawn under the matter, with either a resolution or the view to agree to disagree.

If you are not satisfied with the outcome of the Stage 2 formal investigation and the school's findings, you may wish to proceed to Stage 3, as described below. This must happen within 14 calendar days of the date of the outcome of the investigation or the school will consider the matter closed.

**Fawbert & Barnard's School reserve the right to stop responding to complainants if:**

- The school has taken every reasonable step to address the complainant's points.
- The complainant has been given a clear statement of the school's position.
- The complainant is contacting the school repeatedly but substantially making the same points each time.
- The school has reason to believe the individual is contacting them with the intention to cause disruption or inconvenience.
- The complainant's communications – whether in person or via letter, email or telephone – are abusive or aggressive.
- The complainant makes insulting personal comments about or threats towards staff.

### **Stage 3 - Consideration by a complaints review panel**

- If your concern has already been through Stages 1 and 2 and you are not happy with the outcome, the Chair of Governors will review the complaint and undertake further investigations. They will then convene a complaints review panel to consider the complaint. This is a formal process, and your ultimate recourse at school level. (Note that if the Chair of Governors has already been involved in the Stage 2 process, another governor will be asked to lead the Stage 3 review and investigation process, and convene a complaints review panel.)
- The purpose of this arrangement is to give your complaint a formal hearing in front of a panel of governors who have no prior knowledge of the complaint details and who can, therefore, consider it without prejudice.
- The aim of a complaints review panel is to resolve the matter and to achieve reconciliation between the school and the parent. We recognise, however, that sometimes it may only be possible to establish facts and make recommendations which will reassure you that we have taken your complaint seriously.

The complaints review panel operates according to the following formal procedures:

1. The clerk to the governing body will aim to arrange for the panel meeting to take place within **20 working days**.
2. The clerk will ask you whether you wish to provide any **further** written documentation in support of your complaint. You can include witness statements, or ask witnesses to give evidence in person, if you wish.

3. The Headteacher will be asked to prepare a written report for the panel. Other members of staff directly involved in matters raised in your complaint will also be asked to prepare reports or statements.
4. The clerk will inform you, the Headteacher, any relevant witnesses and members of the panel by email, at least **five working days** in advance, of the date, time and place of the meeting. We hope that you will feel comfortable with the meeting taking place in the school, but we will do what we can to make alternative arrangements if you prefer.
5. With the letter, the clerk will send you all relevant correspondence, reports and documentation about the complaint and ask whether you wish to submit further written evidence to the panel.
6. The letter will explain what will happen at the panel meeting and the clerk will also inform you that you are entitled to be accompanied to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.
7. With the agreement of the chair of the panel, the Headteacher may invite members of staff directly involved in matters raised by you to attend the meeting (if appropriate),
8. The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to put you at your ease.
9. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
10. The chair of the panel will ensure that the meeting is properly minuted. Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel's discretion and you do not have an automatic right to see or receive a copy. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature. However, minutes could be available following the removal of sensitive information.
11. Normally, the written outcome of the panel meeting, which will be sent to you, should give you all the information you require. If, however, you feel that you would like to have a copy of the minutes it would be helpful if you could indicate this in advance. If the panel is happy for the minutes to be copied to you, the clerk can then be asked maintain confidentiality in the minutes.
12. During the meeting, you can expect there to be opportunities for:
  - you to explain your complaint;
  - you to hear the school's response from the Headteacher;
  - you to question the Headteacher about the complaint;
  - you to be questioned by the Headteacher about the complaint;
  - the panel members to be able to question you and the Headteacher;
  - any party to have the right to call witnesses (subject to the chair's approval) and all parties to have the right to question all witnesses (if appropriate);
  - you and the Headteacher to make a final statement.
13. In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to the Headteacher and yourself within two weeks. All participants other than the panel and the clerk will then leave.
14. The panel will then consider the complaint and all the evidence presented in order to:
  - reach a unanimous, or at least a majority, decision on the complaint;

- decide on the appropriate action to be taken to resolve the complaint;
  - recommend, where appropriate, to the governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.
15. The clerk will send you and the Headteacher a written statement outlining the decision of the panel **within two weeks**. The letter will explain what further recourse, beyond the governing body, is available to you.
16. We will keep a copy of all correspondence and notes on file in the school's records but separate from pupils' personal records. Please note that all pupil records are transferred to a pupil's new school when a child leaves Fawbert & Barnard's School. Pupil records are transferred securely in accordance with GDPR regulations.

## **What happens if you're not happy with the outcome?**

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the school.

The ESFA will not overturn a school's decision about a complaint. However, it will look into:

Whether there was undue delay or the school did not comply with its own complaints procedure

Whether the school was in breach of its funding agreement with the secretary of state

Whether the school has failed to comply with any other legal obligation

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

## **Serial and Persistent Complainants**

Will will do our very 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 contacted repeatedly by an individual making the same points, or who asks us to reconsider our position, we will need to act appropriately.

There will be occasions when, despite all stages of the complaint procedure having been followed, you remain dissatisfied. It is important for us to recognise when we really have done everything we can to resolve a complaint. It is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If you try to re-open the same issue, the Chair of Governors will inform you that the procedure has been completed and that the matter is now closed.

If you were to contact the school again on the same issue, then the correspondence will be viewed as 'serial' or 'persistent' and therefore, unreasonable and so the school will cease to respond.

## **Fawbert & Barnard's Policy for Unreasonable Complainants**

Fawbert & Barnard's 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.

Fawbert & Barnard's 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 the 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 the 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 / complainant's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Headteacher will notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent / complainant may wish to make.

The decision to bar will be reviewed, taking into account any representations made by the parent / complainant and either confirmed or lifted. If the decision is confirmed, the parent / complainant will 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 our own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

## The Complaints Policy does not include...

Our complaints procedures cover all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Complaints not in scope of the procedure	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 direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA).  Social Care
Exclusion of children from school	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .
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: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> 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 direct.

The Fawbert & Barnard's Complaints Form is attached below.



What action, if any, have you already taken to try to resolve your complaint?

Who have you spoken to and what was the response?

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

Are you attaching any paperwork? If so, please give details:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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**Official use**

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

Final Action agreed/taken:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Headteacher / Chair of Governors**