

KEELHAM PRIMARY SCHOOL

COMPLAINTS PROCEDURE



Approved by:	J Ashworth	Date: October 2016
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KEELHAM PRIMARY SCHOOL

Mission Statement of Keelham Primary School

Children at Keelham can expect exciting, enjoyable and high quality learning opportunities.

Staff members treat every child as an individual with their own needs.

Parents and Governors of Keelham support and encourage the development of the school within the community.

Everybody within school is a learner and can reach their full potential.

Everybody feels valued and knows their voice will be heard.

Complaints procedure

Rationale:

- 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."**
- Any person, including members of the general public, may make a complaint about any provision of facilities or services that the school provides other than where separate statutory procedures apply (e.g. exclusion and admissions- See Appendix A).
- Schools are complex organisations. The greater the complexity the more the potential for concern, misunderstanding and complaint. Unresolved, any such issues will interfere with and impede the efficiency and effectiveness of the organisation.
- Everyone has the right to be heard, to have their opinion valued and to express their concerns and complaints in the expectation of a fair, reasoned and impartial hearing.
- Open, positive dialogue and reflection can assist in quality assurance and improvement.
- It is in everyone's interest that complaints are resolved at the earliest possible stage.

Aims:

- The Governing Body of Keelham Primary, therefore, aims to establish, through its complaint procedures, a simple process to enable a swift, efficient and effective resolution of any such issues.
- By taking all concerns seriously, the school aims to be able to resolve all issues informally. However, in the event that this is not achievable, the governing body will provide a formal staged procedure, published and easy to follow, for all parties to follow.
- The school will name a "complaints co-ordinator" who will manage the formal procedure.

Complaints procedure: General principles and practice

- Formal procedures will only be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the complaint remains dissatisfied and wishes to take the matter further.
- Complaints should be lodged within a three month time frame of the event/ incident.
- The head teacher will then act as “complaints co-ordinator” unless s/he is the subject of the complaint or has been involved in the issue previously, in which case the complainant will be referred to the Chair of Governors. If the complaint is against a member of the governing body the matter will be referred to the Chair of Governors or Vice Chair if the subject of the complaint is the Chair.
- Where the first approach is made to a governor, the next step is to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if governors did not act unilaterally on an individual complaint outside the formal procedure or be involved in the early stages in case they may be needed to sit on a panel at a later stage in the procedure.
- Where the whole governing body is aware of the substance of a complaint before the final stage has been completed, school should arrange for an independent panel to hear the complaint (Governor services/different school).
- At each stage the person receiving the complaint will ensure that s/he
 1. Establishes what has happened so far and who has been involved
 2. Clarifies the nature of the complaint and what remains unresolved
 3. Meets with the complainant or contact them
 4. Clarifies what the complainant feels would put things right
 5. Interviews those involved in the matter and/or those complained of, allowing them to be accompanied if they so wish
 6. Conducts the interview with an open mind and be prepared to persist in questioning
 7. Keeps notes of the interview
 8. Respects people's desire for confidentiality

The complaints co-ordinator will ensure that s/he

1. Records the progress of the complaint and its outcome.
 2. Keeps all records of all complaints
 3. Sets realistic time limits for each action within each stage.
- A complaint may be made in writing, by telephone or in person.
 - At the end of a telephone call or meeting the member of staff who receives the complaint (or the complaints co-ordinator) must ensure that notes are kept of telephone conversations or meetings and that both the

complainant and the school have the same understanding of what was discussed and agreed.

- Copies of notes and any written response must be passed to the complaints co-ordinator for safe keeping
- Schools should record the progress of the complaint and the final outcome. The head teacher or complaints coordinator should be responsible for these records and hold them centrally.
- The governing body will review the number and outcome of any complaints at regular intervals.

Allegations of abuse by a member of staff.

Upon receipt of an allegation of abuse by a member of staff, including temporary staff the Head teacher must immediately inform and consult with the City of Bradford Metropolitan District council lead officer for child protection.

If the allegation is against the Head teacher the staff member receiving it must alert the nominated governor who in turn must inform and consult with the City of Bradford Metropolitan District council lead officer for child protection.

The lead officer for child protection must determine, following consultation with the Local Authority Designated Officer, if the nature or seriousness of the allegation require referral to Children's Social Services.

If the circumstances justify it, a referral should be made without delay and CPPU (police child and public protection unit) informed at the earliest opportunity of any matters that may constitute a criminal offence. In these circumstances, witnesses should not be interviewed or asked to provide a written statement by anyone other than the CPPU.

For further guidance on such matter please refer to the document from Bradford Safeguarding children Board available in the safeguarding file within school. (HT office)

- This policy will be available for inspection in the school and reference to it will be made in the school prospectus.

The Staged Formal Procedure:

STAGE ONE:

1. Any formal complaint will be heard within 10 working days by the head teacher who is the complaints co-ordinator (or by the Chair of Governors if the head teacher is the subject of the complaint) who will,
 1. Ensure that receipt of complaint is acknowledged within 48 hours
 2. Write to complainant with outcome of investigation within 5 working days of the hearing
 3. Ensure complaints co-ordinator is informed of outcome within 5 working days of the hearing

Where further investigations are necessary new time limits may be set and the complainant sent details of new deadlines and an explanation of the delay

If the issue remains unresolved the complainant should write to the Chair of Governors (or Vice Chair if the Chair has been previously involved) giving details of the complaint. The Chair or other nominated governor will:

STAGE TWO:

1. Convene a Meeting of the Governing body complaints panel within 15 working days which will,
 1. Issue a letter inviting the complainant to the meeting within 5 working days of notification of complaint
 2. Issue letter confirming panel decision within 5 working days of the hearing
 3. Ensure complaints co-ordinator informed of outcome within 5 working days

Where further investigations are necessary new time limits may be set and the complainant sent details of new deadlines and an explanation of the delay

The panel will take the following points into account.

- The hearing should be as informal as possible
- Witnesses are only required to attend for 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 head teacher may question both the complainant and the witnesses after each has spoken
- The head teacher is then invited to explain the school's actions and be followed by school witnesses
- The complainant may question both the head teacher 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 head teacher 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 5 working days.

Serial and persistent complaints;

In cases where the school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, the school will need to act appropriately.

There will be occasions the complainant may remain dissatisfied. It is important for the school to recognise when they really have done everything they can in response to a complaint, namely;

- 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);
- 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.

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 a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond.

Under no circumstances will an individual be marked as serial for exercising their democratic right to refer their complaint to their local MP regardless of which stage the complaint has reached. The application of a 'serial or persistent' marking will be against the subject or complaint itself rather than the complainant.

However, where an individual's behaviour is causing a significant level of disruption school will implement a tailored communication 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.

School needs to ensure that they are acting reasonably and that any genuine complaint can still be heard.

If school staff find it difficult to deal direct with a complainant because of their unreasonable behaviour and other strategies are not working, they may be able to approach the governor services team at their LA to ask for assistance. If this is agreed, complainants can 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 the school considers it to constitute harassment, legal advice should be sought as to the next steps. In some cases, injunctions and other court orders have been issued to complainants because of their behaviours.

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 school.

The SCU will not overturn the 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, they 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. 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.

School 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.

This policy was reviewed in October 2016.

It will be subject to further review in the Autumn term of 2019.

Appendix A

Complaints not in scope of the procedure

A complaints procedure should 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.

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 	<p>Concerns should be raised direct with local authorities (LA).</p> <p>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.</p>
<ul style="list-style-type: none"> • Exclusion of children from school 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/schooldiscipline-exclusions/exclusions.</p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>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:</p> <p>WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD.</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>
<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>