

Laburnum Primary School

Complaints Procedure



Updated by:	Head Teacher	Approved Date: November 2020
Last reviewed:	November 2020	
Next review due by:	November 2022 (Review frequency at discretion of Governing Body)	

We believe that complaints procedures should be easily accessible and well publicised and that school staff and governors should be familiar with the procedure so that they can advise parents / carers or service users.

1. Aims

- To reduce the need for complaint as far as is possible having regard to the overarching aims and purposes of the school.
- A desire to settle differences informally
- The need for more formal mechanisms for dealing fairly and effectively with complaints which have proved impossible to settle informally
- Ensuring that parents / carers, service users, staff and Governors know what the procedures are

2. Introduction

Section 29 of the 2002 Education Act requires governing bodies to establish procedures for dealing with all complaints relating to the school and to publicise these procedures. The complaints procedure for Laburnum Primary School is published on the school's website.

The majority of complaints received by schools are properly dealt with by other procedures but it is still a requirement for schools to have a general procedure for the minority of complaints which are not covered by other procedures.

As a matter of daily routine, schools receive numerous contacts from parents / carers and other interested parties, and most issues are easily resolved either by the provision of information, a discussion with a child's class teacher, other relevant staff or through the arrangement of an informal meeting.

3. General Principles

1. The procedure is designed to ensure that wherever possible an informal resolution is attempted and that the first point of contact is the class teacher.
2. All stages of the complaints procedure should be investigatory and not adversarial.
3. These procedures are intended for use only when there is a genuine complaint which cannot be managed through an alternative statutory complaints procedure.
4. General complaints are dealt with solely by the school. Any such complaint raised with another body shall be re-directed immediately to the school and the complainant informed immediately.
5. Anonymous complaints will not be investigated unless there are exceptional circumstances, notably a child protection issue.
6. A mechanism is in place to deal with spurious or vexatious complaints.
7. Where a complainant believes the appropriate procedures have not been followed by the person dealing with their complaint, the complainant may request that the governing body review the process that has been followed to verify that the procedure has been followed. A request for review which is based on the outcome of an investigation rather than the failure to deal with a complaint will not be accepted.
8. Save for exceptional circumstances, complaints will not be considered beyond three months following the alleged event.

4. Practice

Stage 1 – ‘Raising an Issue’

- a) Parents / carers and service users can raise a concern with members of staff. A preliminary discussion about an issue can help a parent to clarify whether or not to make a complaint. It is important to treat conversations and correspondence with discretion. However, from the outset all parties to a complaint will need to be aware that some information may have to be shared with others.
- b) Governors approached by a complainant should refer him or her to the Head Teacher or to the Chair of the Governing Body if the complaint is about the conduct or competency of the Head Teacher.
- c) Where complaints concern admissions, exclusions, the curriculum, collective worship, Special Educational Needs, Child Protection, Staff disciplinary or capability procedures, the Head Teacher or Governors there are LA recommended procedures that are followed.
- d) Most concerns are school specific and can be resolved straight away through either the class teacher or the School’s administrator. If this proves to be the case, no further action is necessary.
- e) Any concerns that cannot be dealt with by the class teacher or the School’s administrator can be raised with the Head Teacher.
- f) However, if no satisfactory immediate solution is established, the concern should then be treated as a complaint and written details taken.
- g) Details of the date, name, contact address and phone number of the complainant should be taken. This should be given to the Head Teacher immediately along with a brief outline of the issue. Parents / carers or service users should be offered help with recording their complaint by an identified person in the school. The complainant should be made aware of the next step.
- h) In terms of the complaints procedure, there is no duty to pursue the matter if an anonymous letter is received, as there is no complainant to whom to respond.

However, such letters may relate to something quite serious and if the foreseen eventuality occurs, to the detriment of the school, the complainant may surface and state that the school was alerted. Therefore, consideration should be given to such letters and a decision taken as to whether the contents justify further investigation.

Stage 2 – ‘Follow up’

- a) On receipt of notification of a complaint, the Head Teacher should contact the complainant within 2 school days to acknowledge receipt and explain the process for managing the issue.
- b) The Head Teacher or a person appointed by the Head Teacher should investigate the complaint fully, taking any details from the complainant and the others as appropriate.
- c) The Head Teacher (or designated person) should keep written records of meetings, telephone conversations and other documentation and complete the investigation within five school days. If this is not possible for any reason the complainant should be informed of the new time scale.
- d) Once all the relevant facts have been established the Head Teacher and/or the person investigating the complaint should meet the complainant to attempt to resolve the matter.
- e) A written response including an explanation of the decision and the reasons for it should be given. This should include what action the school will take to resolve the complaint if appropriate. The complainant should also be advised that if they are not satisfied they are able to write to the Chair of the Governing Body within ten school days if they wish to proceed to the next stage of the procedure.

Stage 3 – ‘Formal Review’

- a) Upon receipt of a written complaint to the Chair of the Governing Body, the Clerk will send an acknowledgement within five school days. The acknowledgement will explain that the complaint will be heard by three members of the governing body constituting the Appeals Committee. The clerk will collate all relevant paperwork and provide this to the chair of the Appeals Committee who will make the papers available to the committee members. At the meeting the Governors will review the evidence provided by the school and the complainant and come to a decision based on the information it has received. The aim of the committee will be to find a fair resolution with the express aim of achieving a resolution that is acceptable to the complainant and the school. The committee meeting will be minuted and the outcomes communicated by letter to both parties.
- b) For the most extreme complaints, and at the sole discretion of the Chair of Governors, the Committee can request a more formal hearing with the complainant and also with the Head Teacher. Neither party will be questioned in the other party’s presence. Such meetings will be arranged with the support of an LA Officer and will follow a pre-defined format such as that below. Even in such extreme cases, the nature of the meeting will remain investigatory and not adversarial.
- c) Such a meeting may be conducted as follows, subject to the recommendation of the chair of governors:
- (i) The Chair of the Committee welcomes the complainant, introduces individuals and explains the procedure.
 - (ii) The complainant is invited to explain the complaint.
 - (iii) The complainant is then questioned if necessary by the Committee Members.
 - (iv) The Head Teacher is invited to make a statement in response to the complaint.
 - (v) The Head Teacher is then questioned if necessary by the Committee Members
 - (vi) Either party may call a witness subject to the approval of the Chair of the Appeals Committee.
 - (vii) The Head Teacher will be invited by the Chair of the Committee to make a final statement.
 - (viii) The complainant should be invited by the Chair of the Committee to make a final statement.
 - (ix) The Chair of the Committee should explain that the decision of the Committee will be considered and written notification of that decision, which is final, apart from referral to the Secretary of State will be forwarded within five school days. The Head Teacher, complainant and all witnesses should then withdraw.
 - (x) The Committee will then consider the evidence presented and
 - (a) reach a decision on the complaint and the reasons for it.
 - (b) decide upon the appropriate action to be taken to resolve the complaint.
 - (c) where appropriate, suggest recommended changes to the school’s systems or procedures to ensure complaints of a similar nature are not made in future.
 - (xi) The minutes of the meeting should be kept on file.

5. THE LA ROLE

The majority of decisions about the day to day operation of schools are the responsibility of the Head Teacher while ‘executive’ responsibility rests with the Governing Body. However, LA Officers may be able to support the process by offering consultation, investigation and mediation services and ensuring that the process is followed fairly with due regard to adopted policies, educational regulations and the law.

Occasionally parents / carers or service users who have been through the school’s procedures contact the LA to take the matter further. If LA Officers have not been involved in the complaint, an Officer will discuss the matter with the school to ascertain that procedures have been followed fairly.

6. THE ROLE OF THE SECRETARY OF STATE

The Secretary of State may not consider any complaint within the scope of these arrangements unless it has first been considered under the LA/school’s arrangements for handling complaints. The intention of this is that complaints should, if possible, be dealt with and resolved locally between the person making the complaint and the parties responsible for the local running of schools.

If a Governing Body has failed to carry out its duties under the Education Acts properly, or they are acting “unreasonably”, the Secretary of State has the power to issue a direction about a decision made by a Governing Body.

“Unreasonableness” has been defined by the Courts as “acting in a way which no sensible Governing Body acting with due appreciation of their responsibilities would have acted”.

7. VEXATIOUS COMPLAINTS

The head teacher and governing body are fully committed to the improvement of the school and welcome feedback. We will always try to resolve any concerns as quickly as possible. Sometimes, however, those making a complaint may treat staff and others in a way which is unacceptable. While we realise that some complaints might relate to serious or distressing incidents, we will not accept threatening or harassing behaviour towards any member of the school community.

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when pursuing a complaint. Such unreasonable behaviour may include, but is not limited to:

- actions which are
 - out of proportion to the nature of the complaint; or
 - persistent – even when the complaints procedure has been exhausted; or
 - 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
 - refusing to attend appointments to discuss the complaint.

In the case of unreasonably persistent complaints or personal harassment, the school may take some or all of the following steps, as appropriate:

- Inform the complainant informally that their behaviour is considered to be unreasonable or unacceptable and request a changed approach
- Inform the complainant in writing that the school considers their behaviour to be unacceptable
- Require that all future meetings with a member of staff to be conducted with a second person present and that in the interests of all parties, notes of such meetings will be taken
- Inform the complainant that, excepting emergencies, the school will respond only to written communication and that such written communication may be required to be channelled via the Local Authority.

The school reserves the right not to respond to communications from individuals subject to this policy.