



# St. Andrew's CEVA Primary School

## Complaints Policy

At St Andrew's CEVA Primary School we provide Christian worship and Christian teaching. Spiritual and moral development are central to the life of our school and this will be reinforced in the school's Complaints Policy where appropriate.

School leaders are not infrequently faced with protracted and often spurious complaints. These generate enormous additional workload (100+ hours is not unusual) and tremendous personal stress, particularly where the complainants are aggressive or accusatory. Many of these protracted procedures actually militate against complaint resolution as the focus becomes one of blame allocation and retribution rather than concentrating on taking steps to rectify an error/oversight or preventing a recurrence.

### The legal framework

1. Section 409 of the 1996 Education Act allows a Local Authority to make arrangements for the consideration or disposal of any complaint about the unreasonable action of the LA or of a Governing Body in relation to a statutory duty or power. This would include Admissions, the provision of an appropriate curriculum, SEN, and Exclusions Appeals. Complaints of a more general nature fall outside the remit of this section.
2. The section 29 of the 2002 Education Act requires governing bodies to establish procedures for dealing with all complaints relating to the school or the provision of facilities or services, other than "complaints which fall to be dealt with in accordance with procedures required to be established by other statutory provision", and to publicise these procedures.
3. While the majority of complaints received by schools are properly dealt with by other procedures, it is still necessary for schools to have a "general" procedure for the minority of complaints that are not covered by other statutory procedures.
4. Section 496 of the 1996 Act allows a person to complain to the Secretary of State that a Governing Body (or LA) has acted, or is proposing to act, unreasonably with respect to any power conferred or duty imposed by that Act. Such a complaint is unlikely to be successful where a school can show that it has acted reasonably in seeking to resolve a complaint and has used a "fair" procedure.

### Informal procedure

1. As a matter of daily routine, schools receive numerous contacts from parents and other interested parties. Many of these will be resolved simply by providing information or through the arrangement of an informal meeting. Therefore the initial approach should normally be made to the school office, or to the individual member of staff who is likely to be able to provide the necessary information.
2. In some cases it may be necessary to request a meeting with a senior member of staff. Any such request should be made via the school office, preferably in writing (see model form). The request will need to include sufficient details to allow the school to decide whether a meeting is necessary, who should be asked to attend the meeting and to make any necessary preparations.
3. The procedure is likely to stop at this stage if the concern has been explained satisfactorily, or a shared understanding has been reached of the issue being raised.

### Formal procedure

1. Where a matter is more serious, or else an informal approach has failed to resolve the issue, it may be raised formally as a complaint. This should be done in writing. **See Appendices 1,2,3**
2. On receipt of the complaint the school will normally arrange a meeting with the complainant to clarify details of their concerns and of the resolution that is being sought. Once the school has this information a decision will then be taken about the need for further investigation and the appropriate procedure to be followed. This may involve additional meetings with the complainant to obtain further information.
3. Statute requires every school to have a large number of formal procedures in place. These include those for: pupil behaviour and discipline; exclusion of pupils; staff capability; staff conduct; and for "general" complaints relating to the school or to the provision of facilities or services.
4. Similarly, statute requires that a number of matters must be dealt with by other bodies, such as the Local Authority: provision to meet special educational needs; failure of a school to provide the National Curriculum; Exclusion Appeals; Admission Appeals.
5. When the school's procedures have been completed the complainant will be informed that the matter of their complaint has been dealt with and is now closed as far as the school is concerned. They will be provided with as much additional information as is possible in the circumstances, while respecting any right to confidentiality of third parties.

### Selecting the most appropriate procedure

1. Any approach may have the potential to develop into a complaint. For that reason it is very important to follow the appropriate procedure from the outset, so that the interests of the individuals may be safeguarded and in order to seek to identify a resolution as quickly as possible.
2. Therefore schools should have clear procedures for receiving enquiries and complaints and an effective mechanism for “triage”, so that they are directed to the appropriate person(s) for resolution.

<b>Nature of contact</b>	<b>Appropriate person to receive contact</b>	<b>Relevant policy/ procedure</b>
Request for published information	School office	FOI Act Charging Policy
Request for personal pupil information	Head teacher or senior member of staff	DPA Charging Policy
Complaint about GB policy (content or application of)	Clerk/chair	General Complaints Procedure
Concern about provision of facilities or services by the school	Head teacher Chair	General Complaints Procedure
Allegation about conduct of a member of staff	Head teacher or chair (if allegation against head)	School Staff Discipline Procedure (Confidential to School and Employee)
Allegation of verbal or physical assault by employee on pupil	Head teacher or child protection co-ordinator or chair (if allegation against head)	Local Child Protection Procedures (Confidential to school, LA CPO and parents of alleged victim)
Allegation about capability of a member of staff	Head teacher or chair (if allegation against head)	School Staff Competence Procedure (Confidential to School and Employee)
Conduct of another pupil (e.g. bullying)	Head teacher or senior member of staff	School behaviour and discipline procedures (Confidential to School and parents of alleged perpetrator)
Discipline of a pupil	Head teacher or senior member of staff	School behaviour and discipline procedures (Confidential to School and parents of pupil)
Content of /Failure to maintain a statement of SEN	Head teacher /SENCO LA	LA procedures
Admissions	Chair/clerk (Foundation/VA) LA (Community/VC)	Admissions Procedure Admissions Appeal Procedure
Exclusion	Chair/clerk (Foundation/VA) LA (Community/VC)	Exclusion Appeal Procedure
Failure to provide NC Entitlement or Inappropriate Curriculum	Head teacher Clerk to GB LA	LA Procedure
Extended Services	Manager of relevant service	Procedures of Service Provider
Decision to remove licence for a person to enter school premises (banning)	Clerk to GB/chair	GB Appeal Committee

### General principles

1. The procedure is designed to ensure that, wherever possible, an informal resolution is attempted.
2. All stages of the complaints procedure should be investigatory rather than adversarial.
3. The procedure is intended to be extended to those persons who may have a legitimate complaint relating to the school and where any complaint may not be pursued through another statutory procedure. (It is anticipated that, primarily, these persons will be parents, as defined by Section 576 of the Education Act 1996, and those with parental responsibility, as defined in the Children Act 1989.)

4. The responsibility for dealing with general complaints lies solely with the school. The procedures of LAs, Diocesan Boards and other agencies are expected to reflect existing legislation and ensure that any complaint received by them, which does not fall to them by statute to resolve, will be redirected to the school immediately and that the complainant be informed accordingly.
5. Any procedure should include provision that "An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances." These would include serious concerns such as child protection issues or bullying allegations, where the school would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.
6. There should be a mechanism for terminating spurious complaints and those brought by vexatious complainants. Model letters are included in annex 4 to the procedure.
7. In advising complainants of the outcome of their complaint it is important to be most circumspect in the details provided. To do otherwise may prejudice the ability of any employee complained about to continue in post. The release of certain information might be an obstacle to the fair application of disciplinary/capability procedures or otherwise contravene the employee's employment or data protection rights. Sample responses are included in annex 4 to the procedure.
8. In the event that a complainant believes that the appropriate procedures have not been followed, by the person dealing with their complaint, the complainant may request that the governing body reviews the process that has been followed in order to verify whether the procedure has been adhered to. Any review request that is based solely on dissatisfaction with the outcome, rather than any identified failure to deal with a complaint according to procedure, should not be accepted.
9. Any governors involved in the process should receive prior training for their role.
10. It is important that any potential complainant is aware of the correct channel through which to pursue their complaint. This will reduce the likelihood of letters of complaint being directed, say, to the LA, Secretary of State, Councillors, MP, local paper, individual governors, the Diocese or the Bishop. Therefore it is essential that reference is made to the existence of the General Complaints Procedure in the school prospectus.
11. Some existing procedures include a "hearing" stage, where the subject of the complaint is questioned in the presence of the parent or by the parent. The absence of such a stage in this procedure is deliberate as its inclusion creates an opportunity for confrontation, which runs counter to the resolution of any complaint.
12. It may be helpful to place a limit on the time after which a complaint will normally not be considered (e.g. complaints must be raised within 3 months of the event being complained of, save in exceptional circumstances)
13. Schools should include an indication of the time scale within which the school will process the complaint. e.g. Investigation of any complaint or review request shall begin within 5 school days of receipt of the same, save in exceptional circumstances. The investigation shall be completed as soon as reasonably practicable, say within 10 school days, save in exceptional circumstances.
14. The matter of keeping a record of the complaint and its investigation could be addressed. The issue of taking notes/minutes may also be addressed, along with that of their safe storage.
15. The procedure should be designed to facilitate resolution of concerns with the minimum of conflict. Therefore, it is important that the procedure adopted carries the confidence of all interested parties so that its use secures "closure". This is more likely to be the case if the procedure adopted has been the subject of consultation.
16. The use of well designed "Complaints" and "Review Request" Forms may assist the process by focusing the complainant on the importance of being specific about the nature of their complaint and the need to provide evidence or at least to be able to cite relevant incidents. **Model Letters are included in the Complaints Procedure document.**
17. It is usually unhelpful if a complaint is broadcast to the school community. Therefore the school should make it clear any person who raises a concern that the school will treat the matter with a high degree of confidentiality and asks the complainant to do likewise. This is more likely to meet with a favourable response if the complainant is convinced that the school is taking their concern seriously and is actively seeking to resolve the matter.

### **Vexatious complainants**

1. It is clear from the information provided by our members that the vast majority of complaints are resolved by informal contact. Problems arise where the complainants are unreasonable and are not seeking to have a situation remedied but instead are determined to extract retribution for some real or imagined wrong.
2. It is these latter circumstances that can lead a school, which is acting very reasonably, to be drawn into an interminable saga with letters flying back and forth with each reply demanding more and more answers to more and more questions. Often an attempt to clarify the situation will trigger a multitude of questions, none of the possible answers to which serve any constructive purpose. It is these vexatious complainants from which schools need protection.

**Use Model Letter A for use in such circumstances in the Complaints Procedure document.**

### **The difference between a concern and a complaint**

1. 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*'.

2. It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. Schools should take informal concerns seriously and make every effort to resolve the matter as quickly as possible.
3. There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure should be invoked through the stages outlined within their procedure.

### **Who can make a complaint?**

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions). Schools must not limit complaints to parents or carers of children that are registered at the school.

### **The Complaints Procedure - Guidance**

1. Some complaints fall outside the school's complaints procedure, for example, staff grievances or disciplinary procedures (see: Complaints not in Scope);
2. The Governing Body should ensure that any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place
3. Conflict between estranged parents over the application of parental responsibility is a common cause of complaints made to schools. *'Understanding and Dealing with Issues Relating to Parental Responsibility'* contains specific advice about how to properly approach issues concerning parental responsibility.
4. Be aware of the difference between a concern and a complaint (taking informal concerns seriously will reduce the numbers that develop into formal complaints);
5. Be mindful of the language used in the complaints procedure (it is recommended that schools have policies which state what they 'will' do rather than what they 'should' or 'may' do);
6. Where a policy states that a school 'should' do something which they then choose not to do, if escalated to the Department for Education for further consideration, the school may be asked to provide a written explanation for the reasons why they deviated from best practice.
7. Ask the complainant at the earliest stage what they think might resolve the issue (an acknowledgement that the school could have handled the situation better is not the same as an admission of unlawful or negligent action).
8. The complaints procedure should set out the steps to follow in the event that the headteacher or member of the Governing Body is the subject of the complaint.

Schools should also ensure the complaints procedure:

- is easily accessible and publicised;
- is simple to understand and use;
- is impartial;
- is non-adversarial;
- enables a full and fair investigation by an independent person where necessary;
- respects people's desire for confidentiality;
- addresses all the points at issue and provides an effective response and appropriate redress, where necessary;
- provides information to the school's senior management team so that services can be improved.

### **Timeliness**

Complaints need to be considered and resolved as quickly, and efficiently as possible:

1. Set realistic and reasonable time limits for each action within each stage (where further investigations are necessary, set new time limits, send the complainant details of the new deadline and give an explanation for the delay);
2. Expect complaints to be made as soon as possible after an incident arises (although three months is generally considered to be an acceptable time frame in which to lodge a complaint);
3. Ensure that, even though the policy has a cut-off timeframe, the school will consider exceptions and that their complaint procedure reflects this.

### **Stages**

1. Two or three formal school-based stages are likely to be sufficient for complaints.
2. Determining what the appeal panel considers is for the school to decide.
3. The complaints procedure must not suggest that a complaint can only be escalated to the next stage if the school permits it.
4. Regardless of how many stages the school has, or whether or not the complaint is 'justified', a dissatisfied complainant must always be given the opportunity to complete the complaints procedure in full.
5. Some procedures may also allow for an additional stage if the LA, Diocese or other external agency provides an independent appeal or review.

6. Complaints against the headteacher are usually first dealt with by the Chair of Governors. Complaints against the Chair of Governors or any individual governor should be made by writing to the Clerk to the Governing Body.

### **Recording Complaints**

1. The School must ensure that it complies with their obligations under the Equality Act 2010. It is common practice to ask for complaints to be made by using a complaint form or in writing, however the complainant may have communication preferences due to disability or learning difficulties and schools must allow alternative methods of contact: e.g. made in person, by telephone
2. In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be kept and a copy of any written response added to the record. Where there are communication difficulties, schools may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point;
3. The School should record the progress of the complaint and the final outcome. The headteacher or complaints co-ordinator should be responsible for these records and hold them centrally.
4. The School should be aware that complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

### **Raising Concerns and Resolving Complaints**

From time to time parents, and others connected with the school, will become aware of matters which cause them concern. To encourage resolution of such situations the Governing Body has adopted a "School Complaints Procedure". The procedure is devised with the intention that it will:

- Usually be possible to resolve problems by informal means
- Be simple to use and understand
- Be non-adversarial
- Provide confidentiality
- Allow problems to be handled swiftly through the correct procedure
- Address all the points at issue
- Inform future practice so that the problem is unlikely to recur.

Full details of the procedure may be obtained from the School Office or from the Clerk to the Governing Body.

### **Governing Body Review**

1. Complaints should not be shared with the whole governing body, except in very general terms, in case an appeal panel needs to be organised.
2. If the whole governing body is aware of the substance of a complaint before the final stage has been completed, schools should arrange for an independent panel to hear the complaint. They may approach a different school to ask for help or the local Governor Services team at the LA, or the Diocese.
3. Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. The School should consider the request, but ultimately, the decision is made by the governors.
4. The process of listening to and resolving complaints can contribute to school improvement. When individual complaints are heard, the School may also identify underlying issues that need to be addressed. The monitoring and review of complaints can be a useful tool in evaluating a school's performance. The governing body may wish to consider using complaints and review their handling at regular intervals to inform improvements and the effectiveness of the complaints procedure.
5. The Complaints Policy and Procedure is to be reviewed every two years. This will enable the School to take into account any new guidance issued by the Department for Education or legislative changes.

**Signed: D Thompson**

**Date: October 2020**

**Review: October 2021**

**Appendix 1**

**St. Andrew's CEVA Primary School: Meeting Request Form**



I wish to meet ..... to discuss the following matter:

Brief details of topic to be discussed:

Dates/times when it would be most convenient for a meeting:

Your name:

Relationship with school (e.g. parent of a pupil on the school roll):

Pupil's name (if relevant to the matter to be discussed)

Your address:

Telephone numbers

Daytime:

Evening:

e-mail address:

Signed .....

Date .....

(Please complete this form and return it to the school office)

School use:

Date form received:

Date response sent:

Received by:

Response sent by:

## St. Andrew's CEVA Primary School: Formal Complaint Form



Please complete this form and return it, via the school office, to the head teacher (or clerk to the governing body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Appendix 2 Cont....

**St. Andrew's CEVA Primary School: Formal Complaint Form Cont...**



What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

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

Signed .....

Date .....

School use:

Date form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:

Date:





Please complete this form and return it to head teacher (or clerk to the governing body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Your address:

Telephone numbers  
Daytime: Evening:

e-mail address:

Dear Sir

I submitted a formal complaint to the school on ..... and am dissatisfied by the procedure that has been followed.

My complaint was submitted to ..... and I received a response from ..... on .....

I have attached copies of my formal complaint and of the response(s) from the school.

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.

Number of additional pages attached =

Appendix 3 Cont....



### St. Andrew's CEVA Primary School: Review Request Form Cont...

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

