

Virginia Primary School Complaints Procedure



We are a Rights Respecting School and this policy supports the following articles from the United Nations Convention on the Rights of a Child:

Article 29 – Goals of Education: *Education must develop every child’s personality, talents and abilities to the full. It must encourage the child’s respect for human rights, as well as respect for their parents, their own and other cultures and the environment.*

Our Vision

We want Virginia Primary School to be a community of happy, confident, motivated lifelong learners. We want our children to be successful citizens who value themselves and each other. Therefore, we are continually striving to ensure that we nurture, challenge and enable each and every one to be the very best they can be in all areas of school life.

Rationale

We are proud of the ethos in our school and we are continually aiming to nurture and develop good relationships with families based on mutual trust and respect.

However, we recognize that there may be times when you have a concern about an aspect of your child’s education. This includes the practices or policies of the school, the conduct, action or omissions of members of staff employed at the school or about the quality of teaching.

There may be occasions where you feel that the concern is of a more serious nature that requires a formal approach.

The following policy outlines the procedure that we have adopted at Virginia Primary School.

Introduction

Governing bodies are required by law to have a procedure in place to deal with complaints relating to aspects of the school or the provision of facilities or certain services at the school. The law requires that this procedure must be publicised.

A complaint can be brought by a parent of a registered child at the school or any person who has been provided with a service or a facility at the school. The procedure refers to this person as a complainant.

A concern or unresolved problem becomes a complaint only when the complainant asserts that a school has acted wrongly in some significant decision, action or failure to take action.

Who do I talk to?

It is important to note that many concerns can be resolved quickly and easily through the following informal process. Such issues are often a result of a misunderstanding or a breakdown in communication between school and home.

However, when raising any concerns with staff members it is important to note the following:

- We will not tolerate being shouted at or intimidated and we will always discuss issues calmly and rationally.
- We expect to be treated courteously at all times, no matter how serious the issue.
- We will always listen to parents concerns and take issues seriously and in accordance with the schools agreed procedure.
- All discussions should take place in a quiet space rather than in a public forum.
- It is **never** appropriate to approach children or parents yourself – you must always direct concerns through staff members.

Class Teacher

If there has been an issue during the school day, the first person to talk to is your child's teacher. They are always in the playground before and after school. If you have any concerns about your child's progress or well being, they will be happy to make an appointment with you for a longer discussion.

Head teacher/deputy head

If the class teacher is not able to help you or you feel you would like further clarification, they will direct you to either the head teacher or the deputy head.

The head teacher tries to keep the first half an hour in the morning free to talk to parents/carers. You can also phone and make an appointment. When making an appointment, you do not have to say what you would like to talk about if it is a sensitive matter. The deputy is available in the playground before and after school and will also be happy to discuss any concerns. We hope that the concern raised is resolved through this process.

Stage 1: Referral to the Head Teacher for Investigation

Where no satisfactory solution has been found, the complainant should be informed that s/he will need to consider whether to make a formal complaint in writing to the head teacher. The following procedure will be followed:

- The head teacher should acknowledge the complaint in writing. In some cases the head teacher will have already been involved in looking at the matter; in others it will be his/her first involvement.
- The head teacher should consider providing an opportunity to meet with the complainant to supplement any information previously provided.
- If the complaint is against a member of staff the head teacher should talk to the staff member against whom the complaint has been made.
- If necessary, the head teacher should interview witnesses and take statements from those involved.
- The head teacher should keep reasonable written records of meetings, telephone conversations and other documentation.

- Once all the relevant facts have been established, the head teacher should produce a written response to the complainant. The head teacher may wish to meet the complainant to discuss/resolve the matter before confirming the outcome in writing.
- The written response should include a full explanation of the decision and the reasons for it. Where appropriate, it should include what action the school will take to resolve the complaint.
- This process should be completed in 15 school days. However, it is recognised that where the case is complex, it may prove difficult to meet this timetable. In such cases, the head teacher should write to the complainant giving a revised target date.
- The formal stage 1 response should also advise the complainant that if s/he is not satisfied with the response and wishes to take the matter further, s/he should write to the Chair of the Governing Body within 15 school days of receiving the outcome letter. The outcome letter should set out the name of the Chair of the Governing Body and the address to which the complainant can send the letter.

Complaints made to the Governing Body

In the event of a complaint being received directly by the Governing Body from a parent or other stakeholders in the school, governors should have regard to the following:

- Any complaint to the Governing Body or one of its members should be passed to the head teacher for investigation. The head teacher if (s)he has not already done so should follow the informal procedure outlined above to attempt to resolve the matter and report the outcome to the complainant and details of action taken to the Chair of Governors.
- If the Chair of the Governing Body is satisfied that the informal procedures have been exhausted and the complaint is still not resolved, (s)he may, after further discussions with the head teacher, decide to initiate the formal procedure.
- In the event of the complaint being about the head teacher, the Chair of the Governing Body will inform the head teacher of the complaint and then attempt, through an informal approach at first, to resolve the matter.
- The complainant will be advised of the Chair's conclusions.

The Formal Procedure

- If the complainant decides to take the matter further, the complainant, (s)he should set out the complaint fully in writing and submit this to the Chair of the Governing Body. The chair of our governing body is Malcolm Dawes and he can be contacted via the school.
- Where this is not possible because of literacy or second language considerations, the complaint should be made orally and where necessary arrangement for interpretations should be made.
- Receipt of the complaint will be acknowledged in writing by the Chair of the Governing Body within five days of receipt of the complaint.
- The Governing Body will arrange for the complaint to be heard by a panel of three governors who have not had involvement with the matter at an earlier stage. This panel is set up at a properly convened meeting of the full Governing Body. The panel will,

where possible, reflect a cross section of Governors, for example LA, parent and co-opted governors, who have no direct interest or involvement in the case.

- The panel will be provided with copies of the complaint and all other relevant documentation.
- At least five working days notice of the hearing by the panel will be given to all concerned.
- All parties involved in the dispute may be accompanied, if desired, by a friend, representative or an interpreter and may call witnesses.
- The head teacher (or the Chair of Governors if the complaint is against the head teacher) will explain what has already been done to attempt to resolve the complaint and the outcome of any investigation.
- The complainant will present his or her case and call any witnesses. The panel and head teacher will have an opportunity to question the complainant and call witnesses. The head teacher will have the opportunity to respond to the complainant and call witnesses if appropriate.
- The panel and the complainant will have the opportunity to question the head teacher and the witnesses.
- The head teacher, followed by the complainant, will summarize their positions.
- All but the members of the panel will withdraw while a panel decision is reached.

When the evidence has been fully considered and a decision made, the panel will notify in writing the complainant and the head teacher of the outcome, giving an explanation of the conclusion, the reason for it, and any action taken, including details of any request made of those complained against to take particular actions in respect of the complaint. This will be done as quickly as possible but within a maximum of five working days.

The Governing Body should be informed at their next meeting that a complaint has been received and dealt with. Details should not be divulged to the full Governing Body, or to any other party not directly involved, as to do so would violate confidentiality.

Unreasonable Complainants

Virginia Primary 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.

Virginia Primary 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 head teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the head teacher 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 Virginia Primary 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 behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the head teacher 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 head teacher 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.

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 schools.

The SCU will not overturn a 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, we 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. The SCU normally also seeks written assurances as to future conduct. 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.

Schools 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.

Further information can be obtained from the SCU by calling the National Helpline on **0370 000 2288** or going online at: www.education.gov.uk/help/contactus or by writing to:
Department for Education School Complaints Unit 2nd Floor, Piccadilly Gate Store Street
Manchester M1 2WD

Please note: the local authority no longer deals with school complaints.

Policy dated: September 2014

Policy reviewed: October 2016