

**St Michael's CE Primary School
Sydenham**



Complaints Procedure

Agreed by the Governing Body on: *7 November 2016*

Signed (Chair): *Beryl Fielder*

Review Date: November 2019

Complaints Procedure

Introduction

As a Church of England School, Christian values are at the heart of all we do. We value our relationship with parents and all members of the school and local community. If you have a concern we want to know about it so that it can be dealt with immediately. Most concerns can be dealt with easily and quickly but to ensure all concerns are handled effectively the Governing Body has adopted a complaints policy and procedure.

The School's Complaints Procedure is devised with the intention that it will:

- usually be possible to resolve problems by informal means;
- be simple to use and understand;
- treat complaints confidentially;
- allow problems to be handled swiftly;
- inform future practice so that the problem is unlikely to recur;
- reaffirm the partnership between parents, staff and governors as they work together for the good of the pupils in the school;
- ensure that the school's attitude to a pupil would never be affected by a parental complaint;
- discourage anonymous complaints;
- actively encourage strong home-school links;
- ensure that all staff have opportunities to discuss and understand the school's response to concerns and complaints made by parents;
- ensure that any person complained against has equal rights with the person making the complaint;
- regularly review its system for monitoring concerns and complaints received from parents.

The difference between a concern and a complaint

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*'.

It is in everyone's interest

If you have a concern

We would like you to tell us about it so that we can talk with you and see how best to resolve your concern. The majority of concerns can be resolved informally by speaking to a member of staff. We welcome suggestions for improving our work in the school. Whatever your concern, please know that we shall treat it as strictly confidential.

Be assured that no matter what you wish to share with us, our support and respect for you and your child in the school will not be affected in any way; please do not delay telling us of your concern. It is difficult for us to investigate properly an incident or problem which is more than a day or two old.

After hearing your concern we will act as quickly as we can; we will let you know the timescale within which you may expect a response. Please allow time for any action we may take to be effective. Our procedure is in three stages outlined below:

Procedure with dealing with complaint

What to do first (Stage 1 – Resolve concern with teacher or senior leaders)

Please contact your child's class teacher or other appropriate member of staff, and arrange a time when you can discuss your concern. It may be possible for you to see the member of staff straight away but normally it is better to make an appointment so that you can sit and talk things through. If you feel the class teacher would not be able to address your concern, you can ask for an appointment with the Headteacher or Deputy Headteacher. After your discussion with the Headteacher/deputy you may have to wait a short time while investigations are carried out.

What to do next (Stage 2- Letter to Governors)

If your concern continues, despite the school's effort to find a resolution, you can make a formal complaint to the Chair of Governors and another nominated governor. You must give a brief outline of your concern using the form attached (Appendix 1). The complaint committee will investigate your concern and every effort will be made to resolve the situation as quickly as possible.

The Governors will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. *In addition*, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

The Chair of Governors will send you a written response within 5 school days of receiving your complaint. If it is not possible to respond within this timescale, you will be told when you can expect a response.

If you are still unhappy (Stage 3- Appeal Panel Hearing)

The problem will normally be resolved by this stage. However, if you do not feel satisfied with the outcome given by the chair of governors, you can then ask for your complaint to be considered by the Appeal Panel of the Governing Body.

The complainant needs to put the complaint in writing and send it to the school office for the attention of the Clerk to the Governing Body.

A complaint form is provided to assist you. See Appendix 1

You should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

It is very important that you include a clear statement of the actions that you would like the school to take to resolve your concern. Without this, it is difficult to proceed.

The clerk will seek similar written responses from the school, where this is necessary.

The clerk will convene a panel of 3 governors, who have not previously been involved with the complaint.

A meeting of the panel will take place, usually within 10 school days, to consider the matter. The complainant (who may be accompanied by a friend if they wish) and representative(s) from the school (who may also be accompanied by workplace colleagues or representatives from their professional associations) may be invited to attend this meeting in order to clarify the matter. As the panel meeting is intended to be investigatory, rather than adversarial, the persons giving evidence or making representations to the panel will normally attend separately. Only discussions related to the complaint in question will be heard. If the designated governor has been involved in attempting to resolve the complaint s/he may present information at the panel meeting, but will take no part in the decision making.

The remit of the Complaints Appeal Panel

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

Cut-off Limits

It is reasonable to expect parents/carers to make a complaint as soon as possible after an incident arises and at least within three months. There may, however be good reasons why this is not the case and consideration will be given to extending the cut off in exceptional circumstances

Notification of the Panel's Decision

You should be informed of the panel's decision in writing, usually within 5 days of the hearing.

Consideration of the complaint by the Governing Body and the school, except for any actions that are agreed, will terminate at this point.

If you are dissatisfied with the outcome of this appeal process you do have the right to refer your complaint to the Secretary of State for Education and your complaint will be considered by the School Complaints Unit. The Secretary of State will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so. 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.

Serial and Persistent Complainants

We will do our 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, the complainant remains dissatisfied. It is important for us to recognise when we have done everything we can in response to a complaint. It is a poor use of school 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 will 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. *See persistent complaint and harassment policy.

Unreasonable complainants

St Michael's 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.

St. Michael's 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 schools.

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.

(See Appendix 1 attached below)

COMPLAINTS FORM	
St Michael's CE Primary School, Sydenham	
<i>When we receive a written complaint, we aim to acknowledge its receipt within 2 days and send a full or interim response with 5 school days.</i>	
Name of complainant:	
Address:	
Postcode:	
Telephone (day):	Telephone (evening):
What is your concern and how has it affected you/ your child?	
Are you attaching/including any paperwork? If so, please list below:	
Have you discussed this matter with a member of staff before filling in this form? If so. Who did you speak to and what was the response?	
What actions would you like the school to take to resolve your concern?	
Signature:	Date:
<i>Please return this form to the to the office for attention of the Governing Body</i>	