

THE FEDERATION OF NETTLESTONE & NEWCHURCH PRIMARY SCHOOLS



COMPLAINTS POLICY

Date Agreed: July 2018

Review Date: July 2019

DMF Botlett

Signed: _____

Chairman Board of Governors
The Federation of Nettlestone & Newchurch Primary Schools

Revision No.	Date Issued	Prepared By	Approved	Comments
1	April 2013	KJH	L&M	Revision of Policy in line with NAHT guidance
2	July 2014	KJH		Revision of Policy in line with Federation with Nettlestone Primary School.
3	January 2017	KJH	L&M	Revision of Policy in light of DFE Advice ' Best Practice for School Complaints Procedures ' Some amendments made to model letters.
4	July 2017	DJR	FGB	Revision of policy of amend flowcharts
5	July 2018	KJH	FGB	Annual Update and inclusion of Unreasonable persistent complaints and unreasonable complainant behaviour

All the governors and staff of The Federation of Nettlestone & Newchurch Primary Schools are committed to sharing a common objective to help keep the children and staff of the school community safe. We ensure that consistent effective safeguarding procedures are in place in order to support families, children and staff of the school.

The Legal Framework

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.

This procedure does not apply to the following complaints, for which there are separate procedures:

- School Admissions
- Special Educational Needs Assessments (SEND)
- School re-organisation proposals
- Child Protection
- Exclusion
- Whistleblowing
- Staff grievance and disciplinary procedures
- Complaints about services provided by other providers who may use the school's premises or facilities

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.

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.

School Complaints Procedure

General Principles:

- This procedure is intended to allow you to raise a concern or complaint relating to the school, or the services that it provides. We encourage all stakeholders to approach any member of staff in the first instance if they have a concern or complaint. In the event that these initial approaches fail to resolve a complaint this policy sets out the procedures that should be followed to allay any concerns about a particular issue.
- An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.
- To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than 3 months after the event, being complained of, will not be considered.
- Every effort will be made to meet the require timescales, but should an extension be necessary at any part of the procedure, all parties will be notified and given a reason for the delay.
- Throughout this procedure all those involved will be sensitive to and comply with the nine protection characteristics under the Equality Act 2010.

Complaints will not be dealt with under this procedure if:

- You have not identified any specific action of which you might complain
- Your concerns are presented as conclusions rather than specific actions of which you complain.
- The concerns you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available
- The concerns you raise do not fall within the scope of this procedure
- You have not identified any potential sources of evidence which might allow the matter to be investigated.

Unreasonable persistent complaints and unreasonable complainant behaviour

There are rare circumstances where the Federation may deviate from the Complaints Procedure set out in the remainder of this policy. These include but are not necessarily limited to:

- Where the complainant's behaviour towards staff or panel members is unacceptable, for example, is abusive, offensive or threatening.
- Where, because of frequency of their contact with the academy, the complainant is hindering the consideration of their or other people's complaints and/or the proper running of the Federation
- Where the complainants complaint is clearly vexatious and/or has patently insufficient grounds
- Where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full by the Federation.

In these circumstances the Federation may:

- Inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to modify their behaviour
- Restrict the complainants access to the Federation e.g. requesting contact in a particular form (e.g. letters only), requiring that the contact take place only with a named person, restricting telephone calls to specific days and time and banning the complainant from either/both school sites within the Federation.
- Conduct the panel based on documentary evidence only e.g. not hold a hearing.
- Refuse to consider the complaint and refer the complainant directly to the local authority.

In all cases the Federation will write to tell the complainant why it is believed that his/her behaviour is unacceptable or unreasonably persistent, what action will be taken and the duration of the action.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff or panel members, the Federation will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

Raising a concern or complaint

Informal Stage

It is normally appropriate to communicate directly with the child's form teacher. This may be by letter, by telephone or in person by appointment, requested via the school office. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage.

In the case of more serious concerns (e.g. those centred on a class teacher) it may be appropriate to address them directly to the Head of School or Executive Headteacher (or to the Chair of the Governing Body, if the complaint is about the Executive Headteacher).

If the first approach is made to a governor, the governor must refer the complainant back to the appropriate person (or to the Chair of Governors if the concern is about the Executive Headteacher or a governor) and advise them about the procedure. Governors must act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

If you are uncertain about who to contact, please seek advice from the school office or the Clerk to the governing body.

Complainants will be provided with written responses where appropriate and if requested.

Formal Stage

Complaint Heard by the Head of School/Executive Headteacher

If your concern or complaint is not resolved at the informal stage you may choose to put the complaint in writing and pass it to the Head of School, who will be responsible for ensuring that it is investigated appropriately. If the complaint is about the Head of School, your complaint should be passed to the Executive Headteacher. If your complaint is about the Executive Headteacher you should direct your complaint to the Clerk to the governing body, for the attention of the Chair of the governing body.

A complaint form is provided to assist you.

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 much more difficult to proceed.

Please pass the completed form, in a sealed envelope to the relevant school office. The envelope should be addressed to the Head of School, Executive Headteacher or to the Clerk to the governing body, as appropriate. Receipt of the complaint will be acknowledged in writing within 3 working school days.

The Head of School, Executive Headteacher (or Chair) may invite you to a meeting to clarify your concerns and to explore the possibility of an informal resolution. If you accept that invitation, you may be accompanied by a friend, if you wish, to assist you in explaining the nature of your concerns.

It is possible that your complaint will be resolved through a meeting with the Head of School, Executive Headteacher (or chair). If not, arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case you should learn in writing, usually within 5 working days of the school receiving your formal complaint, of how the school intends to proceed. This notification should include an indication of the anticipated timescale.

Any investigation will begin as soon as possible and when it has been concluded, you will be informed in writing of its conclusion.

If you are not satisfied with the manner in which the process has been followed, you may request that the governing body reviews the process followed by the school, in handling the complaint. Any such request must be made in writing to the Clerk to the governing body, within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed. A Review Request form is provided for your convenience.

Complaint Heard by the Governing Body Complaints Panel

Upon receipt of a written request by the complainant for a panel to be convened, the procedures outlined below will be followed. If the Clerk to Governors is unable to act, another clerk will be appointed to the panel.

Any review of the process followed by the school will be conducted by a panel of 3 members of the governing body (not the Executive Headteacher or members of staff) who were not party to the initial complaint and will therefore be impartial. The complainant has the right to request an independent panel of governors, if they believe there is likely to be bias in the proceedings.

The Clerk to the Governors will agree a mutually convenient meeting date with the complainant, Executive Headteacher and members of the panel and inform them and any relevant witnesses of the date, time and place of the meeting. This will usually take place within 20 school days of receipt of your request. 5 days notice will be given to all who may attend.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically. All paperwork must be circulated at least 48 hours in advance.

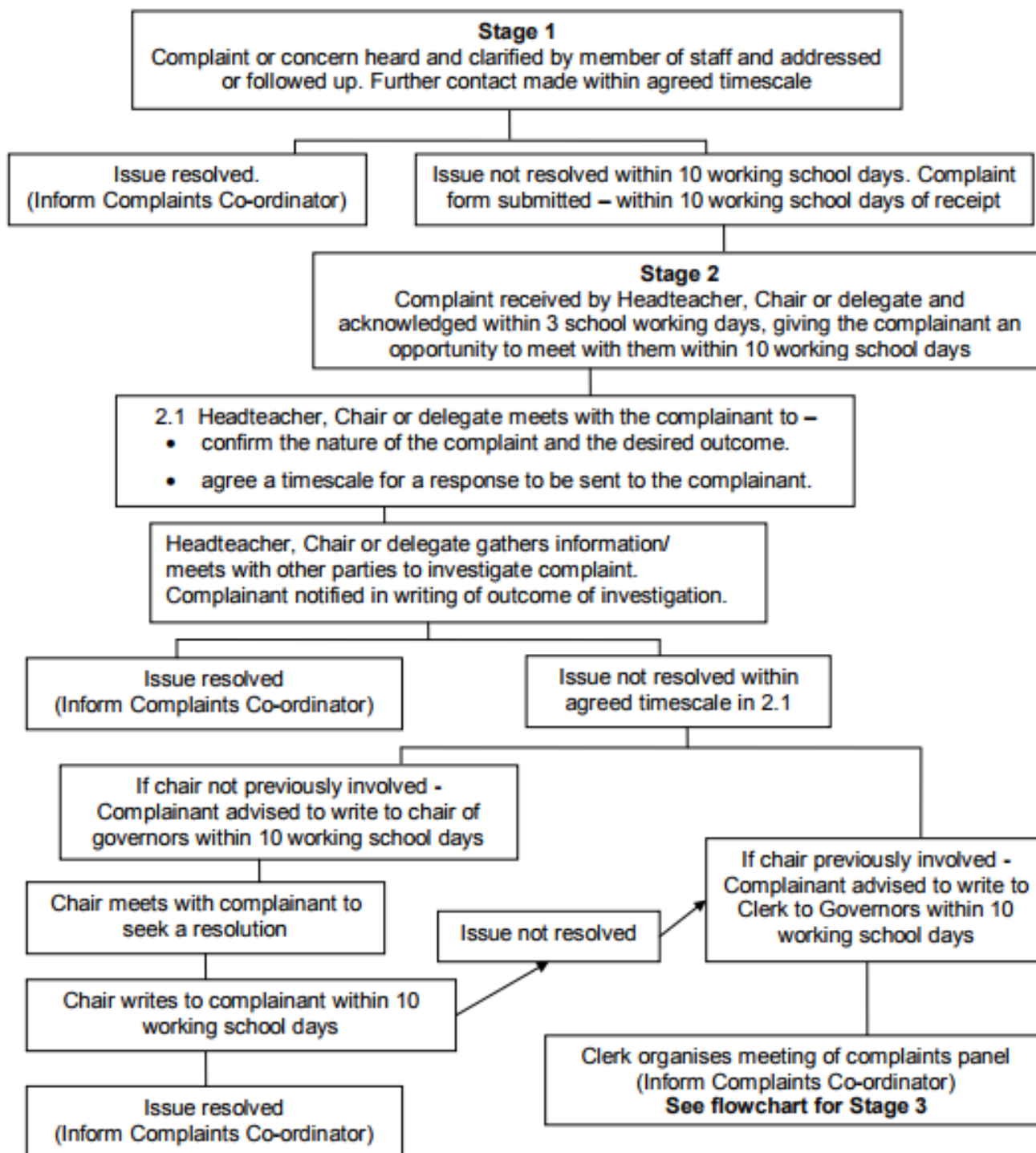
The chair of the complaints panel will send a final decision letter to the complainant and the person who is the subject of the complaint, within 5 working school days. The decision letter will include the panel decision/s in relation to the complaint and any actions that the panel may recommend to ensure that problems of a similar nature do not arise again. The Federation should ensure that a copy of all correspondence and notes are kept on file. These records should be kept separately from the pupil's personal records but may, if considered appropriate by the Executive Headteacher, be passed on to any future school that the pupil may attend i.e. in the case of an aggressive parent or bullying incident or to relevant agencies e.g. Children's Services.

This is the final stage of the school procedure.

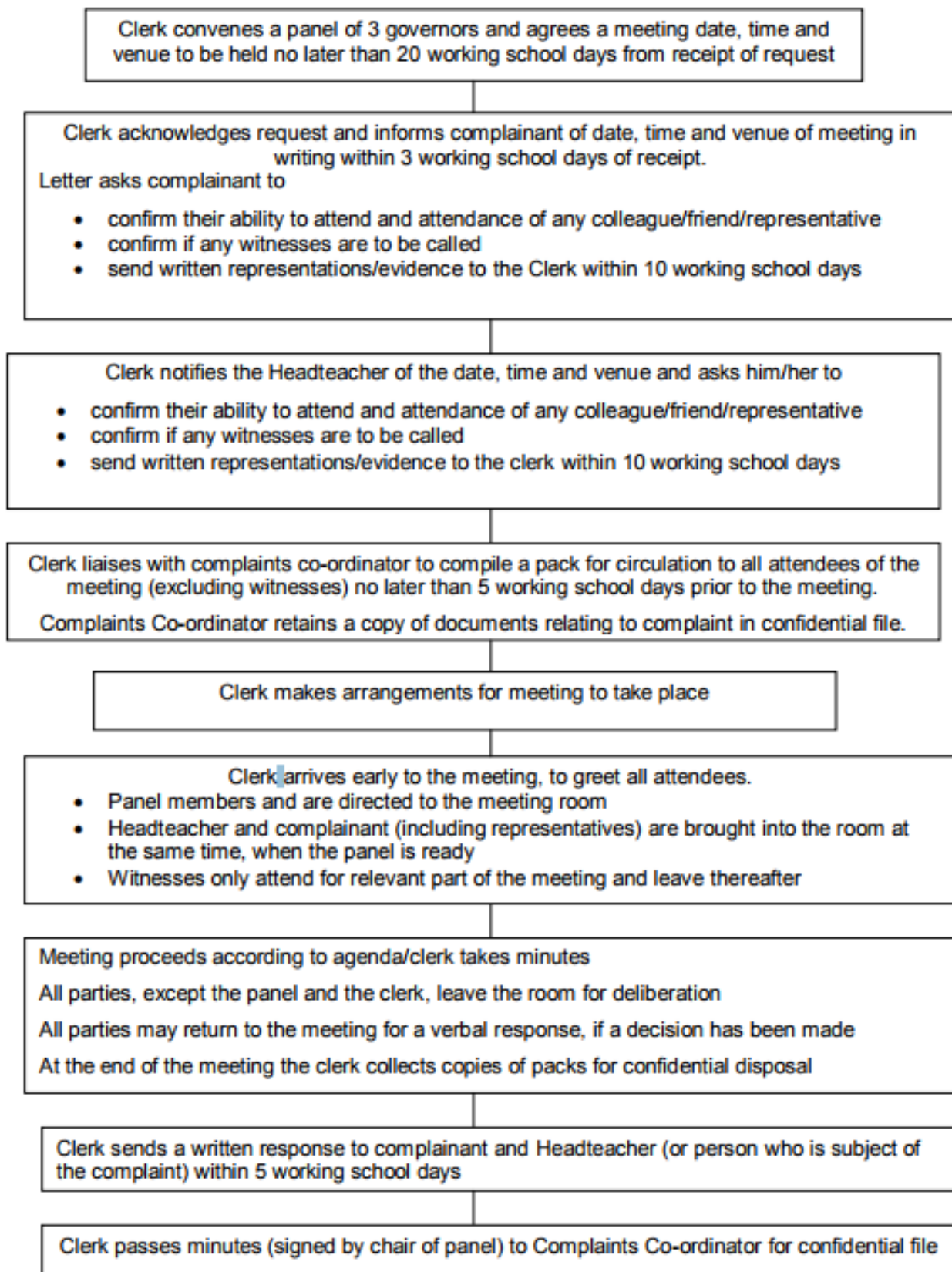
Complaints to the DfE

All stages of the school's complaints procedure must be exhausted before a complaint can be considered at this stage. If the complainant is dissatisfied with the way that the complaint has been handled and wishes to go beyond the school's procedure, s/he may contact the School Complaints Unit at <https://www.gov.uk/complainabout-school/types> or by writing to Department for Education School Complaints Unit 2nd Floor, Piccadilly Gate Store Street Manchester M1 2WD

Appendix A - Flowchart Stage 1 and 2



Appendix B – Flowchart Stage 3



Appendix C - Complaint Forms



Form 1



The Federation of Nettlestone & Newchurch Prima
Schools
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 the 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 relevant school office)

School Use:

Date for received:

Date response sent:

Received by:

Response sent by:



Form 2

The Federation of Nettlestone & Newchurch
Primary School
Formal Complaint Form



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

Your name:

Relationship with the 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:

Please give concise details of your complaint (including dates, names of witnesses etc), to allow the matter to be fully investigated:

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

No of additional pages attached =



The Federation of Nettlestone & Newchurch
Primary Schools
Formal Complaint Form - continued

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:



The Federation of Nettlestone & Newchurch
Primary Schools
Complaint Review Request Form

Your name:

Relationship with the 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:

Dear Sir/Madam,

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 =



The Federation of Nettlestone & Newchurch
Primary Schools
Complaint Review Request Form - continued

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

School use:

Date form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:

Date:

Appendix D - Model Letters

a) Response to spurious complainant

Dear (Name of complainant)

Thank you for submitting your concern in the letter received on the (*insert date*). After careful consideration, unfortunately, I am unable to deal with this matter under the Governing Body's Complaints Procedure. This is because:

- The substance of your complaint has been addressed under the complaints procedure already
- The concerns that you raise do not fall within the scope of this procedure (*suggest alternative for example: admissions policy, exclusion policy, behaviour policy etc*)

If you wish my decision to be reviewed then you can follow the school's Formal Complaint Procedure, by writing to the Clerk to the Governing Body.

Yours sincerely,

Executive Head Teacher
Or Chair of Governing Body

b) Acknowledgement of receipt of formal complaint and invitation to meet

Dear *(name of complainant)*

I have received your formal complaint, dated I am grateful that you have brought this to my attention.

The school and governing body take any complaint most seriously.

Therefore I would like to meet with you, as soon as possible, so that I may understand the details of your concerns more clearly. You are welcome to be accompanied to the meeting by a friend, if you would find this helpful.

Please telephone in order to arrange an appointment./ I can offer you an appointment at on Please let me know if this is convenient.

I hope that we will be able to resolve your concerns through our meeting, but if not I will ensure that the appropriate investigation takes place.

Yours sincerely,

Head of School or Executive Headteacher

c) Acknowledgement of receipt of formal complaint referred by a third party (e.g. LA, Diocese, MP)

Dear *(Name of Complainant)*

I have received a copy of the documentation that you sent to
.. setting out a complaint about

This has been passed to the school as it has responsibility for these matters.

The school and governing body take any complaint most seriously. Therefore I would like to meet with you, as soon as possible, so that I may understand the details of your concerns more clearly. You are welcome to be accompanied to the meeting by a friend, if you would find this helpful.

Please telephone in order to arrange an appointment./ OR I can offer you an appointment at on
Please let me know if this is convenient.

Meanwhile I would be grateful if you would complete and return the formal complaint form that is enclosed, along with details of the school's complaints procedure.

I hope that we will be able to resolve your concerns through our meeting, but if not I will ensure that the appropriate investigation takes place.

Yours sincerely,

Executive Head Teacher
Or Chair of Governing Body

d) Acknowledgements of receipt of formal complaint and advising complainant that the matter is being dealt with under a confidential school procedure.

Dear

I have received your formal complaint, dated I am grateful that you have brought this to my attention.

The school and governing body take any complaint seriously. Therefore I have initiated an immediate investigation. It is possible that the investigator will wish to meet with you to clarify the evidence that you have provided so far. If so he/she will write to you to make suitable arrangements.

As your concerns relate to the conduct/capability of a member of staff, the investigation will be carried out under the school's personnel procedures. This means that the detail of the procedure and its outcome must remain confidential to the school and the member of staff concerned.

OR

As your concerns relate to the behaviour of a pupil, the investigation will be carried out under the school's pupil conduct and disciplinary procedures. This means that the detail of the procedure and its outcome must remain confidential to the school and to the parents of the child concerned.

In due course, I may be able to provide you with some information about the outcomes of the investigation and the processes that have been followed, but in any event will let you know when the matter has been concluded.

If I can be of any further assistance, please do let me know.

Yours sincerely,

Head of School or Executive Head Teacher
Or Chair of Governing Body

f) Notification of decision regarding formal complaint

Dear

Following receipt of your complaint and careful consideration of all the available relevant evidence, I/the panel have/has concluded that:

- The concern is not substantiated by the evidence in that

OR

- The concern was substantiated in part/in full, as The school will review its practices/procedures with the intention of avoiding any reoccurrence. Parents will be informed in due course of any policy changes.

OR

- In order to address fully the matters investigated, the school has initiated appropriate internal procedures.

Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur

OR

- In order to address fully the matters of concern that you identified, the panel recommended that the governing body should review its policy, as a matter of urgency. We are confident that this should prevent similar concerns arising in future.

I hope that this will now conclude the matter and we can look to the future working together for the benefit of your child and the school.

Yours sincerely,

Head of School/ Executive Head Teacher/Chair of Governing Body/Chair of Panel

g) Review outcome notification

Dear

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the school followed the relevant procedure appropriately in respect of your complaint.

Summary of reasons

Therefore, we now consider the matter closed.

Or

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the school followed the relevant procedure appropriately in respect of your complaint except

Therefore, the following action will be taken

Once this action has been completed the school will consider the matter to be closed.

Or

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the school followed the relevant procedure appropriately in respect of your complaint except

However the panel determined that this procedural failure did not affect the outcome of the consideration of your complaint so, while we regret this error, we will now consider this matter to be closed as far as the school is concerned.

Yours sincerely,

Chair of Complaints Review Panel
c.c. Executive Head Teacher
Chair of Governors

Appendix E - Contacts

<u><i>Nature of Contact</i></u>	<u><i>Appropriate Person to Receive Contact</i></u>	<u><i>Relevant Policy/Procedure</i></u>
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 Governing Body policy (content of application of)	Clerk/Chair of Governors	General Complaints Procedure
Concern about provision of facilities or services by the school	Headteacher Chair of Governors	General Complaints Procedure
Allegation about conduct of a member of staff	Headteacher or Chair of Governors (if allegation against Headteacher)	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 of Governors (if allegation against the Headteacher)	Child Protection Procedures (confidential to school, LA CPO and parents of alleged victim)
Allegation about capability of a member of staff	Headteacher or Chair of Governors (if allegation about the Head teacher)	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	Headteacher/SENCO/ LA	LA procedures
Admissions	LA	Admissions procedure Admissions Appeal Procedure
Exclusion	LA	Exclusion Appeal Procedure
Failure to provide NC Entitlement or Inappropriate Curriculum	Headteacher 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 of Governors	GB Appeal Committee