



PEASEDOWN ST JOHN PRIMARY SCHOOL
Achieving Excellence for Ourselves and Others

POLICY FOR DEALING WITH CONCERNS and COMPLAINTS

Introduction

Our school provides excellent communication between parents and teachers. Teachers are always available for quick conversations with parents at the end of the school day. They are also happy to make appointments or have telephone conversations with parents if discussions need to be a little longer. The Head, Deputy Heads and Assistant Head make a point of regularly being visible and available around the school at the start and end of the day so that parents have easy access to ask questions or pass information. We also have a well-staffed, efficient and friendly office team so that parents can get help or pass on information throughout the day. We also use electronic communication to keep families informed of events and news in school.

All of the above means that misunderstandings and complaints are few and are quickly addressed if they do arise. However, our Governors have set out a clear procedure so that if things do go wrong, parents can be clear about how to proceed. This is detailed below.

What this Policy Does and Doesn't Cover

The Governors have drawn up the following procedure for raising a concern in the belief that it is important that parents and others are clear about the procedures to be followed in raising issues or making a complaint, with the assurance that any complainant will be dealt with sympathetically and speedily.

The procedures agreed are in line with advice given by the Local Authority (LA).

There are separate procedures for the following six areas, which the Governing Body must follow. In the event that you wish to complain about one of the areas, a copy of the procedures to be followed can be obtained from the Chair of Governors.

1. The Curriculum under Section 409 of the Education Act 1996. The areas covered by Section 409 include:
 - The provision of the school's curriculum including Religious Education and Worship
 - National Curriculum and National Curriculum Assessment
 - Applications for exemption or temporary withdrawal from the National Curriculum
 - Operation of charging policies in relation to the curriculum
 - Provision of information to parents about the curriculum

N.B. All written complaints relating to the EYFS requirements should be investigated and outcomes notified to the complainant within 28 days of receiving the complaint.

2. Admission to a school
3. Failure to assess a child's special educational needs or to comply with statutory requirements
4. The Exclusion of children from the school
5. Issues related to child protection or allegations of child abuse
6. Any complaint about the conduct of the Governing Body in discharging their duties

In these cases, please refer to Appendix C, which sets out the appropriate people to contact. In all other situations the Governors will follow the procedure below.

Our Procedure for Raising a Concern

We believe there is a free flow of information between home and school but recognise there may be times when:

- misunderstandings arise
- you are concerned about aspects of your child's progress
- you may be unhappy about a particular event, activity or decision in school

In any event it is important that you do not keep a problem or concern to yourself but approach the school. When meeting with the teacher to raise your concerns please be patient: the teacher may need time to perform an investigation or put corrective measures in place and then determine their effectiveness. This informal stage may require several discussions to reach a conclusion that is satisfactory to all parties.

Individual Governors cannot act unilaterally by investigating a complaint or making any prior judgement about it. A Governor can only refer you to the teacher, the Headteacher or the Chair of Governors as appropriate and in accordance with this policy.

It is important that the steps are followed in the complaints procedure. The Local Authority is unable to deal with complaints under the remit of this procedure and if there is escalation to the Secretary of State before the formal school procedures have been exhausted it will result in you being referred back to the school's procedure. Please note that anonymous complaints will not be investigated under this procedure, unless there are exceptional circumstances.

Step 1 - Informal Discussion with class Teacher

This stage of the procedure should normally be completed within two working weeks.

Before making a complaint, we would suggest that you are clear about your concern and also that you discuss this with an appropriate member of staff.

The first point of contact for a specific concern should always be the appropriate teacher. If you are not sure who is most appropriate, explain your concern to your child's class teacher, who will be able to suggest the best person to speak to.

It is preferable if you can agree a time and place to discuss your concerns in peace and quiet rather than at a time when the teacher concerned is possibly surrounded by other children and/or parents. This could be a telephone conversation at an agreed time.

We would expect most problems to be sorted out in this informal way by a frank and open discussion, free from distraction, and not in the presence of children, following the school's usual procedures.

Please remember that all members of staff wish to help reassure you by listening to you and helping you meet with the most appropriate person. Throughout this entire process, staff and governors will be seeking areas of agreement between the parties and will aim to clarify any misunderstandings.

Step 2 - Follow-up Discussion with the same member of staff

Sometimes you may consider that the matter has not been satisfactorily resolved or that, after a time, it remains a concern. In such cases, go directly back to the member of staff you spoke to in Stage 1 and request a further meeting, which may be attended by a senior member of staff, if it is felt appropriate.

Step 3 - Informal Discussions with Senior Members of Staff and Headteacher

Sometimes you may still feel dissatisfied with the outcome of your discussions and want to take the matter further. If you are in this situation, you may make an appointment to contact the Headteacher or one of our Deputy Headteachers. *This should normally be arranged within five working days.*

Step 4 - Formal Complaint

Consideration and investigation of a complaint at stages 4 and 5 should normally take four to six weeks.

If, following your informal discussions you wish an investigation to be undertaken by the school you should put your concerns in writing as a formal complaint, using the form attached (Appendix B) to the Headteacher. Where the Headteacher is the subject of the complaint (either wholly or in part) then the complaint should be made directly to the Chair of Governors and the investigation is to be carried out by the Governors (as set out in Step 5). Where the Chair of Governors is the subject (wholly or in part) of the complaint, then you should submit your complaint to the Clerk to the Governors.

- Use the form in Appendix B to register your complaint in writing, addressed to the Head or to the Chair
- Please state the exact nature of your complaint
- Please state what action you have taken so far and the chain of events from your perspective
- Please clarify what you would consider an appropriate outcome
- You will receive an acknowledgement of your formal complaint within 5 school days
- It is the role of the Clerk to Governors to be the contact point for the complainant, to set date/time and venue for any meetings, to meet and welcome parties who come to interview or a hearing, to record proceedings and retain all evidence, and to provide
- You may be invited to attend an interview by the Head/investigating Governors in addition to any written submission you make. You may be accompanied by a friend at this meeting, if you wish.
- Depending on the circumstances, the complaint may be addressed at a meeting with you and resolved there and then. If not, then it is for the Head or Governors to carry out an investigation.

Investigation

- The Head/investigating Governors will undertake a full investigation which may require a further interview with you or a request for additional written information.
- The Head/investigating Governors will interview those involved in the complaint, including anyone who is the subject of the complaint (accompanied if they request it); they will be prepared to persist in questioning in order to establish the evidence. The subject of the complaint will not be interviewed in the presence of the complainant.
- Where any party is interviewed as part of the investigation, notes of the interview will be made by either the Clerk to the Governors or a member of the school administrative team and a copy of those notes will be made available to the interviewee, who will be given the opportunity to confirm if they are an accurate record.

Please note that it may be necessary to suspend the complaints procedure in respect of a complaint which indicates that there may be a need for a disciplinary investigation in respect of a member of staff or that child protection procedures need to be followed. Advice from the Local Authority will be sought. In such circumstances you will be notified that the complaints procedure has been suspended and the likely timescale for its reactivation.

Step 5 - Formal Investigation by the Governors

If the problem cannot be resolved by you and the Headteacher, or the Headteacher is wholly or in part the subject of the complaint, you may make a formal complaint to the Governing Body, as set out in the bullet points above. The Chair of Governors will nominate two Governors to investigate your complaint.

Following the investigation by the Governors you will be sent a formal response informing you of their decision. This investigation will be completed within a maximum six week period.

Resolving Complaints

Complaints may be resolved in a variety of ways. The investigating body (either the Head or Governors) may offer any of the following by way of resolution, as they consider most appropriate:

- An explanation
- An apology
- 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 the light of the complaint
- A statement that, after a review of all the evidence, the complaint is not upheld

NB: an admission that the school could have handled a situation better is not an admission of negligence. In resolving a complaint, the Head or Governors will seek to identify areas of agreement between the parties and to clarify any misunderstanding on either side.

Confirming the Outcome

At the conclusion of the investigation, the Headteacher/investigating Governors will reach a conclusion and identify recommendations where appropriate. As complainant you will receive the outcome in writing within one working week of the conclusion of the investigation. The letter should satisfy these conditions:

- Answer all the points raised in the complaint
- Be factually accurate and based on clear evidence
- Avoid jargon
- Explain to the complainant what to do next if they are still not satisfied (i.e. appeal to the Governors within 10 school days).

Step 6 - Appeal to a Panel of the Governing Body

Within 10 school days of receiving the written outcome of the investigation, you may choose to appeal to the Governing Body. A panel will be convened in order to seek a resolution and achieve a reconciliation between the complainant and the school.

- A letter of acknowledgement will be sent within 5 school days of receipt of your appeal, to confirm the appeal process
- The Chair of Governors will convene a panel of two/three governors who have been uninvolved in the case
- The panel will ensure that the appeal process is transparently impartial, independent and objective
- The panel will be fully aware of this Complaints Procedure and will seek advice from the LA if required
- The panel will conduct a paper review, rather than a hearing, having regard to the rigour and fairness of the process followed to date
- The panel may consider it appropriate to undertake a reinvestigation, if there were, in their view, major flaws in the previous process that necessitate this

Outcomes of Appeal:

There are three potential outcomes to the appeal:

1. Confirmation of the conclusions reached in Steps 4 or 5 by the Head/Investigating Governors
2. Identification of some procedural anomalies, but confirmation that the overall conclusion was sound
3. Identification of significant flaws in the investigation process which might have led to alternative conclusions and proposed remedies

Step 7 - Appeal to the Secretary of State for Education

If you have followed our complaints policy but still consider your complaint has not been appropriately resolved then you are able to take your complaint to the Secretary of State for Education.

Any appeal to the Secretary of State for Education should be addressed to:

The School Complaints Unit (SCU)

Department for Education

2nd Floor, Piccadilly Gate

Manchester

M1 2WD

The SCU will not consider an appeal unless the complaint has exhausted the local procedures. SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of the School.

If legislative or policy breaches are found, SCU will report them to us and to you and, where necessary, require remedial action to be taken.

Recording complaints

Records of written complaints (from Step 4 onwards) are logged and stored centrally in the School Office. Each complaint should be recorded on a separate sheet and should remain confidential. Accompanying letters are stored separately in children's files. The parent of any child in the setting may ask to see the complaints log and Ofsted may also request to view the complaints log. All records of complaints should be kept for 3 years.

The Clerk to the Governors should ensure that any completed formal complaint is reported back in summary to the Full Governing Body at their next meeting, without giving details of the case or of the names of any parties involved. It is the role of the Governing Body to review the effectiveness of the procedure and make changes where necessary.

'Malicious, Vexatious and Frivolous' Complaints

Rarely, but occasionally, complaints are made which have little grounding in evidence. These will be treated on an equal footing in the early stages of the school's procedure, but will be subject to the same rigorous investigation as any other complaint. If, at Stage 4, the complaint is considered by the Headteacher to be 'malicious', 'vexatious' or 'frivolous' – i.e. persistently pursued, without significant substance and unsupported by clear evidence – the Headteacher will state this clearly in his/her written response to the complainant. The Headteacher will also, if necessary, remind the complainant of the tenets of the law of defamation:

The current definition of 'defamation' states that if a claimant makes a statement to another person or publicly, disparaging a person in their profession, calling or office, such that a 'reasonable person' would think worse of him/her, then the claimant may be liable to a suit for defamation. For these purposes, the 'person' so defamed may include a company or organisation, such as a school.

In short, "A is liable for saying anything to C about B which would be apt to make the average citizen think worse of the latter."

This includes posts on the internet, as established in the case of Keith-Smith vs Williams (2006).

The Right to Respect

It is assumed that staff will always treat other people, including parents and children, with respect. There is an expectation that staff will themselves be treated with respect. The Right to Respect, set out as Appendix A, summarises key principles relating to discussions between different members of the school community, with a view to promoting positive relations and the best possible outcomes.

Monitoring and review

The Governing Body will review this complaints policy on a regular basis. The School will log all formal complaints received by the school and will record how they were resolved. Governors will examine the complaints log on a regular basis and will consider the need for any changes to the complaints policy or other school procedures.

Reviewed: October 2015

Next Review: October 2016

Appendices below:

A: Right to Respect

B: Complaint Form

C: Contact Details for complaints for which the Local Authority has responsibility

D: Complaints Procedure Flow Chart

Appendix A

Right to Respect

It is the school's expectation that members of staff always act in the best interests of each child. Staff therefore have a right to be treated with courtesy and respect. While visitors, including parents, are encouraged to be open in their communications with the school, they are expected to communicate with courtesy and respect, however strongly they may hold their views. It is acknowledged that visitors may not always agree with decisions taken by staff or may consider that the wrong course of action has been followed, in which case the visitor is invited to follow the school's procedure for raising concerns.

The 'Right to Respect' encompasses a number of key principles:

- The school operates within an ethos of respect and courtesy. This expectation applies to children, staff, Governors, parents and all members of the school community.
- Members of staff can expect to be treated with courtesy and respect, free from intimidation, discrimination, aggression, insult or threat.
- Members of staff can expect always to be spoken to in moderate, temperate language.
- Any complaint about any aspect of the school's work or a member of staff's performance should be discussed in accordance with the policy for raising concerns in confidence, 'behind closed doors' and not publicly.
- It is reasonable to expect that no derogatory comment about the school or about any member of staff will be posted on any public website or social media.
- Where an allegation or accusation is made about or against any member of school staff, the complainant will be expected to adduce credible evidence in support of that accusation or allegation. Otherwise the complaint will not be further investigated or upheld.

If any individual is considered to have infringed a staff member's right to respect, the matter will be taken up by the member of staff with the Headteacher, who will consider the appropriate action to take.

- The Headteacher will confer with the Chair of Governors about any situation in which a member of staff feels he/she has been subject to a breach of the Right to Respect.
- The Headteacher may write to the visitor/parent to make clear the school's position on the right of staff to be treated with respect, inviting the individual to respond and produce evidence of the encounter/conversation.
- If the staff member's claim of an infringement is upheld by the Headteacher, the Head may elect to withdraw that person's presumed licence to be on the school premises, and may enforce this under the terms of Section 547(1) of the Education Act 1996:

"Any person who without lawful authority is present on premises to which this section applies and causes or permits nuisance or disturbance to the annoyance of persons who lawfully use those premises (whether or not any such persons are present at the time) is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale."

- In rare circumstances, it may be necessary for the Headteacher to call the police, if he/she believes that an assault or other crime may be committed.

The Right to Respect

A Summary

- Be aware that the school always aims to work in the best interests of the children
- All staff in the school have a right to respect
- Please speak moderately and politely to staff
- If you have a problem with anyone in the school, please follow the procedure for raising concerns
- Please don't post anything negative about our school on social media. Speak to us instead!
- If you say/write something negative about the school, it may be challenged, so be ready to produce clear evidence in your support
- The school may take action against anyone who makes false or malicious comments

Appendix B

Complaint Form

Personal Details

Your Name	
Pupil's Name (if relevant)	
Your Relationship to the Pupil (if relevant)	
Your Address	
Daytime Contact Number	
Evening Contact Number	

Details of the Complaint

<p>Please provide details of your complaint</p>
<p>What action, if any, have you already taken to try and resolve your complaint? (please detail who you spoke to, when that was and what the response was)</p>

Resolution

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

Evidence

If you are attaching any supporting paperwork, please give details:

Signature	
Date	

For Official Use Only:

Date complaint form received	
Date Acknowledgement sent	
By who	
Complaint referred to	

Appendix C

Contact Details for complaints for which the Local Authority People and Communities Service has responsibility

Please note the addresses provided below are for postal purposes only. The Services themselves are located in the Civic Centre, Market Walk, Keynsham, Bristol BS31 1FS

Admission to the school

Officer in charge, Admissions & Transport
Admissions & Transport Unit
People and Communities Department
Bath & North East Somerset Council,
Lewis House, Manvers Street
BATH, BA1 1JG
Tel. 01225 394312
E Mail Admissions_Transport@bathnes.gov.uk

Statutory Assessment of special educational needs

Statutory Special Educational Needs Manager*
Statutory Special Educational Needs Service
People and Communities Department
Bath & North East Somerset Council,
Lewis House, Manvers Street
BATH, BA1 1JG
Tel. 01225 394306

Exclusion of pupils from the school

Officer in Charge, Children Missing Education*
Children Missing Education Team Exclusion
People and Communities Department
Bath & North East Somerset Council,
Lewis House, Manvers Street
BATH, BA1 1JG
Tel. 01225 394241
exclusions@bathnes.gov.uk

Child protection related issues or allegations of child abuse

Head of Safeguarding Assurance and Quality
Strategy and Commissioning*
People and Communities Department
Bath & North East Somerset Council,
Lewis House, Manvers Street
BATH, BA1 1JG
Tel 01225 396974

Any complaint about the action of the Governing Body

Head of Governor Services
Governor Services
People and Communities Department
Bath & North East Somerset Council,
Lewis House, Manvers Street
BATH, BA1 1JG
Tel 01225 395103

Complaints Procedure Flow Chart

