**Burton Agnes C of E Primary School**

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**Complaints**

**Policy and Procedure**

**Date of last Review: June 2019**

**Review in: June 2020**

**COMPLAINTS POLICY**

**Introduction**

It is a requirement of Section 29 of the Education Act 2002 that all schools have procedures

in place for dealing with complaints. 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 e.g. pupil exclusions.

Burton Agnes CE Primary School seeks to promote positive relationships between all members of the school community and welcomes feedback in the form of comments, compliments and complaints. Feedback can help to improve services and help to raise standards.

**Policy Framework**

In dealing with complaints, the school will:

• encourage informal resolution wherever possible;

• publish the complaints procedure and ensure it is accessible, be simple to understand

 and use;

• be impartial;

• be non-adversarial;

• allow swift handling with established time-limits for action and keep the complainant

 informed of progress;

• ensure a full and fair investigation by an independent person where necessary;

• respect the need for confidentiality;

• address all issues raised by a complainant, providing an effective response and

 appropriate redress where necessary;

• provide information to the school’s senior management team so that services can be

 improved.

At each stage of the procedure, appropriate resolution will be sought. This may include

acknowledging that the complaint is valid in part or in whole. 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.

This list is not exhaustive, and other outcomes may be considered where appropriate.

Where part, or all of a complaint is upheld, this is not an admission of negligence.

A complaint should be submitted as soon as possible after the incident so that it can be

investigated whilst events are still fresh in the minds of those involved, but it is recognized

that this is not always possible. Complaints will therefore normally only be considered up to

one year after the incident has happened. In exceptional circumstances, this can be extended.

**Records of Complaints**

All complaints will be recorded. Copies of the complaint, investigation reports, etc. including

the outcomes and actions will be retained in accordance with data protection legislation in

force at the time.

**Governing Body Review**

The governing body will review the complaints policy and procedure on a regular basis. The

governing body will also be provided with information about complaints and actions taken.

All information given to the governing body will be anonymized.

**COMPLAINTS PROCEDURE**

**Stage 1 (Informal) Complaint considered by member of staff**

Most concerns can be quickly resolved by the member of staff involved. This can often be

achieved by the complainant contacting the member of staff directly. Where possible, the

concerns should be put in writing and provided to the member of staff so that he/she is able

to look into the matter.

If the complainant does not feel able to take up the issue with member of staff, the

complainant can ask the headteacher to appoint another member of staff to deal with the

complaint.

If the member of staff feels that they are too compromised to deal with a complaint, the

headteacher may appoint another member of staff to deal with the matter.

If the complaint is about the headteacher or a governor, the matter should be referred to the

Chair of Governors.

If needed, the member of staff will contact the complainant or arrange to meet with them to

ensure that the nature of the complaint is fully understood and to determine what the

complainant feels needs to be done to resolve the issue.

There may be a need for the member of staff to undertake an investigation and interview

others to establish the facts, but he/she will try to deal with the complaint and seek to

resolve the issue in an informal manner.

This stage should normally be concluded within ten school days of the details of the

complaint being agreed. If a longer period is required, the complainant should be informed

of the reasons for this and provided with a revised timescale.

**Stage 2 (Formal) Complaint considered by the headteacher**

If the complainant is dissatisfied with the informal resolution, they should write to the

headteacher with the details of their complaint. If needed, the headteacher will contact the

complainant or arrange to meet with them to ensure that the nature of the complaint is fully

understood and to determine what the complainant feels needs to be done to resolve the

issue.

The headteacher will gather factual evidence and information. This may involve interviewing

those involved in order to be able to fully respond to the complainant. The headteacher will

keep appropriate records and inform the complainant of the outcome of the investigation.

Feedback to the complainant may be given verbally in a meeting, but a formal response in

writing will also be provided.

Stage 2 should normally be concluded within ten school days of the detail of the complaint

being agreed. If a longer period is required, the complainant should be informed of the

reasons for this and provided with a revised timescale.

**Stage 3 Complaint considered by Chair of Governors**

In a small number of cases, the matter may not be resolved even with the involvement of the

headteacher. When this happens, or the complaint is about the headteacher, the complainant

should write to the Chair of the Governing Body detailing why they are not happy with the

decision and send it to him/her through the school.

If the matter is not discussed with the Headteacher, it is not normally possible to proceed

further with the official complaints procedure. In this circumstance, the complaint should be

submitted to the Chair of Governors in writing stating the reasons why it has not been

discussed with the headteacher. If the complaint is about the headteacher, he/she will need

to be informed of the complaint in order for the matter to be investigated.

The Chair of Governors will then review the decision of the headteacher. This may also

require the Chair of Governors to contact the complainant to clarify why they are not

satisfied with the decision of the headteacher. The Chair of Governors may ask for further

information or ask someone to undertake additional investigations in which case a written

report may be provided to the Chair of Governors.

Feedback to the complainant may take place in a meeting, but a formal response in writing

will also be given.

Stage 3 should normally be concluded within ten school days of the matter being referred to

the Chair of Governors. If a longer period is required, the complainant should be informed

of the reasons for this and provided with a revised timescale.

**Complaints about a Governor or Chair of Governors**

If a complaint is received about a governor, it should be considered by the Chair of

Governors as a stage 3 complaint.

If the complaint is about the Chair of Governors, it should be considered by the Vice Chair

of Governors or another governor who has not been involved in the complaint.

If there are no independent governors, the Governing Body may ask another Governing

Body or an independent person to conduct the stage 3 investigation.

**Stage 4 Complaint heard by Governing Body Complaints Appeal Panel**

If the complaint cannot be resolved by the involvement of the Chair of Governors, the

complainant should write to the Clerk of the Governing Body giving the details of their

complaint and why they are not happy with the decision of the Chair of Governors.

The Complaints Committee will be convened and review the decision of the Chair of

Governors. The panel will not include any governor, including the Chair of Governors, who

has had previous involvement in the case.

The panel will be convened within 15 school days of receipt of notification from the

complainant and at a time that is convenient to all parties. If the meeting cannot be

convened in this period, the complainant should be informed of the reasons for this and

provided with a revised timescale. Where appropriate, witnesses may be invited to attend the

meeting but will only be present for the part of the hearing in which they give evidence.

At the panel meeting, the complainant will be given the opportunity to state their case as to

why he/she is not satisfied with the outcome of the complaint. The panel will be provided

with all the information that has been collated as part of the investigation. The headteacher

or chair of governors, as appropriate, will also be able to explain the school’s actions and the

reasons for the decision about the complaint.

The panel will consider the issue in private and 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 policies, systems or procedures to ensure that

problems of a similar nature do not recur.

If the Complaints Committee agrees that the outcome could lead to disciplinary action being

taken against an employee of the school, the matter will be passed to the Disciplinary

Committee. In this case, it is not the responsibility of the Complaints Appeal Panel to make

a judgment about whether the employee is culpable, only that there is a case to answer. The

complainant will be informed that the matter has been passed to the Disciplinary Committee

for further consideration.

At this point, the Disciplinary Procedure adopted by the Governing Body will be followed.

If it is not possible for the Governor’s Complaints Committee to consider the matter e.g.

because there are no governors available who are independent of the issue that is being

considered, the Governing Body will consider asking another Governing Body, or appoint

independent people, to hear the complaint appeal.

**Notification of the panel’s decision**

The panel will inform the complainant in writing of their decision, together with reasons,

within five working days.

Should the complainant still not be satisfied with the outcome, he/she can refer the matter

to the Secretary of State for Education at

The School Complaints Unit (SCU)

Department for Education

2nd Floor, Piccadilly Gate

Manchester

M1 2WD

or online at www.education.gov.uk/help/contactus

Further information can be obtained from the School Complaints Unit National Helpline on

0370 000 2288. The School Complaints Unit will not re-investigate the substance of the

complaint but will examine if the complaints policy and other relevant policies were

followed in accordance with the provisions set out and that they adhere to education

legislation.

**Unreasonable Complaints**

Once the procedures have been exhausted, if the complainant continues to contact the

school on the same issue, he/she will be informed that the matter has been dealt with and

that no further correspondence will be entered into on the matter. Any new complaints

raised by the complainant will, however, follow the normal procedure.

The 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.

The 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 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 the school

**Complaints made to the local authority**

If the local authority receives a written complaint about a school, the headteacher will be

contacted to ensure that he/she is aware of the complaint and asked to deal with it under the

school’s complaints policy and procedure. The local authority does not investigate

complaints about a school.

The local authority will ensure that the Headteacher and Chair of Governors receive copies

of any documentation sent to it by the complainant. If the complainant requests that copies

are not sent to the school, then he/she will be advised that an investigation cannot be

undertaken.

