



LITTLEMOOR CHILDREN'S CENTRE & SCHOOL **COMPLAINTS POLICY**

This document sets out the policy for dealing with comments, grievances and complaints. This policy should be read in conjunction with the School's Complaints procedure which is in line with Local Authority guidelines.

This policy should be used for:

- Complaints relating to the schooling of your child
- Complaints about the education and care provided to pupils at the school
- Complaints about the school's operational arrangements

Status

The 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". Since 1 September 2003 Governing Bodies (GBs) of all maintained schools and nursery schools in England were required to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be published.

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.

Purpose

The school's values are concerned with meeting the needs of pupils, parents and other stakeholders. The governing body believes that feedback is an important ingredient in self-evaluation and raising standards. All stakeholders should feel that their concerns or complaints can be voiced and will be considered seriously.

The school takes informal concerns seriously and aims to resolve them at the earliest stage in order to reduce the numbers that develop into formal complaints.

Applicability

The policy shall apply to all employees and governors of the school. It is the shared responsibility of the headteacher and the Chairman of the Governing Body to ensure that these groups are made aware of the policy and procedure.

The Complaints Procedure will:

- encourage resolution of problems by **informal** means wherever possible;
- be easily **accessible** and **publicised**;
- be **simple** to understand and use;
- be **impartial**;
- be **non-adversarial**;
- allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
- ensure a full and **fair** investigation by an independent panel *where necessary*;
- respect people's desire for **confidentiality**;
- address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- provide **information** to the school's senior management team so that services can be improved.

Informal procedure

As a matter of daily routine, schools receive numerous contacts from parents and other interested parties. Many of these will be resolved simply by providing information or through the arrangement of an informal meeting. Therefore the initial approach should normally be made to the school office, or to the individual member of staff who is likely to be able to provide the necessary information.

In some cases it may be necessary to request a meeting with a senior member of staff. Any such request should be made via the school office, preferably in writing [see guidance in Complaints Procedure Guidelines]. The request will need to include sufficient details to allow the school to decide whether a meeting is necessary, who should be asked to attend the meeting and to make any necessary preparations.

The procedure is likely to stop at this stage if the concern has been explained satisfactorily, or a shared understanding has been reached of the issue being raised.

The underlying principle is that concerns will be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure will not in any way undermine efforts to resolve the concern informally. Staff will endeavour to resolve issues on the spot.

Formal procedure

Where a matter is more serious, or else an informal approach has failed to resolve the issue, it may be raised formally as a complaint. This should be done in writing [see model form]. On receipt of the complaint the school will normally arrange a meeting with the complainant to clarify details of their concerns and of the resolution that is being sought. Once the school has this information a decision will then be taken about the need for further investigation and the appropriate procedure to be followed. This may involve additional meetings with the complainant to obtain further information.

Statute requires every school to have a large number of formal procedures in place. These include those for: pupil behaviour and discipline; exclusion of pupils; staff capability; staff conduct; and for “general” complaints relating to the school or to the provision of facilities or services.

Similarly, statute requires that a number of matters must be dealt with by other bodies, such as the Local Authority: provision to meet special educational needs; failure of a school to provide the National Curriculum; Exclusion Appeals; Admission Appeals.

When the school’s procedures have been completed the complainant will be informed that the matter of their complaint has been dealt with and is now closed as far as the school is concerned. They will be provided with as much additional information as is possible in the circumstances, while respecting any right to confidentiality of third parties.

Selecting the most appropriate procedure

Any approach may have the potential to develop into a complaint. For that reason it is very important to follow the appropriate procedure from the outset, so that the interests of the individuals may be safeguarded and in order to seek to identify a resolution as quickly as possible.

Therefore Littlemoor has clear procedures for receiving enquiries and complaints and an effective mechanism for “triage”, so that they are directed to the appropriate person(s) for resolution.

Contact/Complaints Triage Table

Nature of Contact	Appropriate person to receive contact	Relevant Policy/Procedure
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 GB policy (content or application of)	Clerk/Chair	General Complaints Procedure
Concern about provision of facilities or services by the school	Head Teacher Chair	General Complaints Procedure
Allegation about conduct of a member of staff	Head Teacher Or Chair (if allegation against head)	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 (if allegation against head)	Local Child Protection Procedures (Confidential to school, LA CPO and parents of alleged victim)
Allegation about capability of a member of staff	Head Teacher Or Chair (if allegation against head)	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	Head Teacher /SENCO LA	LA procedures

Admissions	Chair/Clerk (Foundation/VA) LA (Community/VC)	Admissions Procedure Admissions Appeal Procedure
Exclusion	Chair/Clerk (Foundation/VA) LA (Community/VC)	Exclusion Appeal Procedure
Failure to provide NC Entitlement or Inappropriate Curriculum	Head Teacher 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	GB Appeal Committee

General Principles

1. The procedure is designed to ensure that, wherever possible, an informal resolution is attempted.
2. All stages of the complaints procedure should be investigatory rather than adversarial.
3. The procedure is intended to be extended to those persons who may have a legitimate complaint relating to the school and where any complaint may not be pursued through another statutory procedure. (It is anticipated that, primarily, these persons will be parents, as defined by Section 576 of the Education Act 1996, and those with parental responsibility, as defined in the Children Act 1989.)
4. The responsibility for dealing with General Complaints lies solely with the school. The procedures of LAs, Diocesan Boards and other agencies are expected to reflect existing legislation and ensure that any complaint received by them, which does not fall to them by statute to resolve, will be redirected to the school immediately and that the complainant be informed accordingly.
5. Any procedure should include provision that “An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.” These would include serious concerns such as Child Protection

issues or bullying allegations, where the school would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

6. There should be a mechanism for terminating spurious complaints and those brought by vexatious complainants. Model letters are included in annex 4 of our Complaints Procedure.
7. In advising complainants of the outcome of their complaint it is important to be most circumspect in the details provided. To do otherwise may prejudice the ability of any employee complained about to continue in post. The release of certain information might be an obstacle to the fair application of disciplinary/capability procedures or otherwise contravene the employee's employment or data protection rights. Sample responses are included in annex 4 to the procedure.
8. In the event that a complainant believes that the appropriate procedures have not been followed, by the person dealing with their complaint, the complainant may request that the governing body reviews the process that has been followed in order to verify whether the procedure has been adhered to. Any review request that is based solely on dissatisfaction with the outcome, rather than any identified failure to deal with a complaint according to procedure, should not be accepted.
9. Any governors involved in the process should receive prior training for their role.
10. It is important that any potential complainant is aware of the correct channel through which to pursue their complaint. This will reduce the likelihood of letters of complaint being directed, say, to the LA, Secretary of State, Councillors, MP, local paper, individual Governors, the Diocese or the Bishop. Therefore it is essential that reference is made to the existence of the General Complaints Procedure in the school prospectus/ on the school website. (A model paragraph is included in annex 5)
11. Some existing procedures include a "hearing" stage, where the subject of the complaint is questioned in the presence of the parent or by the parent. The absence of such a stage in this procedure is deliberate as its inclusion creates an opportunity for confrontation, which runs counter to the resolution of any complaint.
12. Complaints must be raised within 3 months of the event being complained of, save in exceptional circumstances.

13. Schools should include an indication of the time scale within which the school will process the complaint. e.g. Investigation of any complaint or review request shall begin within 5 school days of receipt of the same, save in exceptional circumstances. The investigation shall be completed as soon as reasonably practicable, say within 10 school days, save in exceptional circumstances.

14. Record Keeping- All complaints will be responded to in writing.

At the Informal Stage – the complainant will receive a reply in writing and a copy should be retained for reference.

At the Formal Stage – there should be clear communication in writing throughout the handling of the complaint. A copy of all written communication should be retained for reference. Only complaints relating to the schooling of a specific child would be kept within the child's files. Other issues will be filed separately in a secure location and will be retained for a period of 7 years.

15. The procedure should be designed to facilitate resolution of concerns with the minimum of conflict. Therefore, it is important that the procedure adopted carries the confidence of all interested parties so that its use secures “closure”. This is more likely to be the case if the procedure adopted has been the subject of consultation.

16. The use of well designed “Complaints” and “Review Request” Forms may assist the process by focusing the complainant on the importance of being specific about the nature of their complaint and the need to provide evidence or at least to be able to cite relevant incidents. Model letters are included in annex 4 of this document.

17. It is usually unhelpful if a complaint is broadcast to the school community. Therefore the school should make it clear any person who raises a concern that the school will treat the matter with a high degree of confidentiality and asks the complainant to do likewise. This is more likely to meet with a favourable response if the complainant is convinced that the school is taking their concern seriously and is actively seeking to resolve the matter.

Roles and responsibilities

This section of the policy is taken from the separate document: School Complaints Procedure, which explains the process in more detail.

In brief the procedure is as follows:

Stage one:

Complaint/concern heard by staff member (informal);

Stage two:

Complaint heard by headteacher (formal) or

Complaint is heard by the Chair of Governing Body (if complaint is about the headteacher) (formal);

Stage three:

Complaint heard by Governing Body's Complaints Panel (review);

A dissatisfied complainant can always take a complaint to the next stage.

The Complaints Policy and Procedures are publicised to all stakeholders through:

- the school prospectus;
- the information given to new parents when their children join the school;
- the home-school agreement;
- the school website.

If, at any stage of the process, the complainant starts legal action in relation to the matters under consideration, the complaints process will automatically cease, and all further correspondence will be with the Schools' legal representatives.

Vexatious Complainants

It is clear from the information provided by our members that the vast majority of complaints are resolved by informal contact. Problems arise where the complainants are unreasonable and are not seeking to have a situation remedied but instead are determined to extract retribution for some real or imagined wrong.

It is these latter circumstances that can lead a school, which is acting very reasonably, to be drawn into an interminable saga with letters flying back and forth with each reply demanding more and more answers to more and more questions. Often an attempt to clarify the situation will trigger a multitude of questions, none of the possible answers to which serve any constructive purpose. It is these vexatious complainants from which schools need protection.

A model letter for use in such circumstances is included in annex 4. The model policy statement in annex 6 may also be helpful in these circumstances.

Monitoring and evaluating the policy

All documentation regarding complaints (including notes of any related meetings and telephone calls), the action taken and the final outcome will be recorded and a summary included in the Headteacher's next report to governors.

The governing body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole governing body will not name individuals.

The monitoring and review of complaints by the school and the governing body is a useful tool in evaluating the school's performance, and will contribute to school improvement. Any underlying issues identified will be addressed.

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