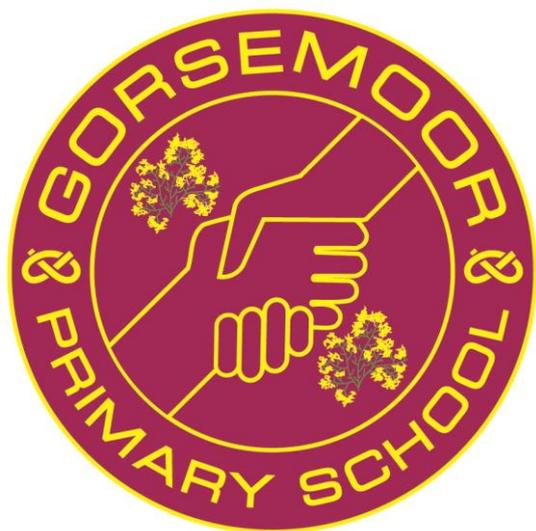


Complaints Compliments and Comments Policy



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Approved by the Full Governing Body
on June 15th 2016

Audience:	Staff/Governors/Public
Frequency of Review:	Every three years
Postholder responsible for Review:	Headteacher

Recommended associated documents:
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Complaints Compliments and Comments Policy

Purpose

All schools are required by law to have a complaints policy. At Gorsemoor we feel that we should also include compliments and comments. This policy should help resolve problems and provide a means for issues of concern to be raised and subsequently addressed. All complainants will be treated respectfully during and after the course of any complaints investigation and will receive a written response to their complaint, unless appropriate and reasonable measures have been put in place as a result of the 'Persistent and/or Vexatious Complainants' policy set out below. However, we would also welcome compliments as all too often we are quick to complain, but we like to know when we do a job well.

Expressing Concerns (Stage 1)

There are inevitably issues that arise that, if dealt with promptly and in a considerate manner, will avoid the need for a formal complaint. Any concern (defined in DfE guidance January, 2016 as *'an expression of worry or doubt over an issue to be important for which reassurances are sought'*) should be raised promptly with the class teacher or member of staff responsible for the area you are concerned about. If your concern is more serious you may prefer to make an appointment to discuss it with the headteacher or a member of the school's leadership team. All staff will make every effort to resolve your problem promptly at this informal stage.

Formal Complaints

Formal procedures will be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. All details of a complaint will be kept confidential except in so far as they need to be shared with people who might contribute to their resolution. The complaint will be dealt with in line with the school's complaints procedure.

In most cases it will be your choice as to whether to mount a formal complaint, but the School reserves the right to utilise the formal complaint procedures where the School feels that 'informal' methods of resolving concerns have been exhausted but a complainant clearly remains dissatisfied.

It should be noted that some outcomes of a complaint may lead to action being initiated under other formal procedures, such as safeguarding or disciplinary matters. Where this is the case you will be advised and informed of the procedures that are to be followed. It should be noted, however, that the school will not necessarily be able to provide you with the details of the outcome of those procedures for data protection reasons or otherwise, depending on the circumstances.

If a formal complaint is made to the School you will be provided with a copy of this complaints policy. It is not a requirement that a formal complaint is made in writing, but the school will need to be clear what the complaint is about, and may therefore request clarification from you before investigating the complaint.

Please be aware that the School reserves the right not to review a complaint made by a complainant that has not been brought to the attention of the school within 8 weeks of the alleged incident occurring. However, the School will consider any complaint outside of that timescale in certain circumstances.

Appendix 1 provides a list of complaints not normally dealt with through the school's complaints procedure (DfE guidance – January 2016).

Stage 2 (Head Teacher or Chair of Governors)

It may be that the head teacher has not been aware of the concern raised prior to this point. At this stage the headteacher will seek to investigate your concerns, as well as attempting to resolve the matter to the satisfaction of all concerned. This may involve having a discussion/meeting with you.

If the complaint is about the head teacher it will be considered by the Chair of Governors ("the Chair") at this stage. The Chair will seek to resolve the matter through discussion with the head teacher and you. In doing so and, if considered appropriate, the Chair may wish to meet with you in person.

The School will endeavour to respond, in writing to a Stage 2 complaint within 10 school days after receiving the complaint.

Where concerns cannot be resolved by the headteacher (or the Chair if applicable) then you will be advised that details of your continuing concerns will be accepted either in writing or verbally and then referred to the Governing Body's Complaints

Committee (**Stage 3**). The attached form **Appendix 2** may be used for this purpose if you wish, and it would also be useful if you were able to state what actions you feel might resolve the problem.

Stage 3 (Governing Body Complaints Committee)

If a complaint has been referred to a governing body complaints committee (“the Panel”) then the Panel will arrange to meet to consider the complaint. The Panel will endeavour to provide you with a written response within 5 school days after the meeting.

Membership of the Panel will do their best to ensure that there is a cross-section of the different categories of governor to ensure impartiality. The head teacher and chair of governors will not be members of this panel, which will elect its own chair, although one or both may be present at the meeting held to consider the complaint.

You will be given the opportunity to attend the complaints meeting to make representations in person, and you will have the right to bring a friend/family member or other supporter. The Panel will therefore meet at a time and a venue convenient to all parties. If you decide not to attend the complaints meeting, it may be held in your absence.

The Panel may request the services of a Clerk.

Governing Body Complaints Committee (the Panel) – Procedure

The Panel will want to ensure that the nature of the complaint is understood and, where possible, will seek to establish from you what actions you feel might resolve the problem. In helping to reach a conclusion, the Panel will seek to identify possible sources of information and advice to help collate the necessary evidence.

As indicated above, you will be given the opportunity to attend the complaints meeting and will have the right to bring a friend/family member or other supporter. In normal circumstances the head teacher and/or chair of governors may also attend the meeting, but will not take any part in the decision-making process. A typical complaints meeting may adopt the following structure:

- The meeting will be as informal as possible.
- Witnesses may be required to attend but only for the part of the meeting in which they give their evidence.
- After introductions, you will be invited to explain your complaint, and you will be followed by your witnesses (if any).
- The head teacher / chair of governors may ask questions of both you and your witnesses after each has spoken.
- The head teacher / chair of governors will then be invited to explain the school's actions and will be followed by the school's witnesses.
- You may ask questions of both the head teacher / chair of governors and the witnesses after each has spoken.
- The Panel may ask questions at any point.
- You will then be invited to sum up your complaint.
- The head teacher / chair of governors will be invited to sum up the school's actions and response to the complaint.
- The panel chair will explain that both parties will hear from the Panel in writing within a set time scale.
- Both parties leave together while the panel remains to decide on the issues and reach a conclusion.

The above procedures for the complaints meeting may vary with the approval of all parties, for example you may wish to meet the Panel without the head teacher being present. Where this is the case you should be aware that it will still be necessary for the Panel to meet with the headteacher as part of the process.

Outcomes of Investigations

Whether the complaint has been investigated by the head teacher, chair of governors or a complaints committee, a written response will be sent to you outlining the outcome of the investigation, detailing how the conclusion has been reached, and enclose a copy of the minutes (Appendix 3/4). The letter will also tell you where to next take the complaint, if you are not satisfied with the response provided.

The Complaints Committee may reach the following conclusions:

- 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

The aim of the investigation or review will always be to resolve the complaint and achieve reconciliation between you and the school. Nevertheless, it is acknowledged that sometimes you may not be satisfied with the outcome if matters are not found in your favour.

Persistent or Vexatious Complaints

You may remain dissatisfied despite all the procedures having been followed and reasonable responses being provided. It may be the case that it is not possible to resolve all your concerns and meet all your wishes. Sometimes it is preferable to 'agree to disagree' and move on.

If you do continue to make representations to the school on the same issues, the Governing Body reserves the right to inform you, in writing, that the appropriate procedures have all been followed, that all reasonable actions have been taken to try to resolve the issue and that the matter is now closed. Should you then write to the School again on the same issue (s), there is no obligation on the School to respond to you in that case.

Correspondence received from any complainant subsequent to closure will be kept on file, indefinitely, as will notes of telephone calls and any further personal calls referring to the matter.

Appendix 5 provides Gorsemoor Primary School's Policy regarding Unreasonable Complainants (DfE guidance – January 2016).

The Role of Staffordshire County Council (Local Authority)

The Local Authority does **not** have a statutory duty to consider school complaints and you do **not** have a right of appeal to the Local Authority should you disagree with a decision of the governing body. You may, however, raise the matter with the Local Authority if you consider the complaint wasn't investigated properly or fairly. So long as the governing body followed a proper procedure and considered the complaint in a reasonable manner, then the Local Authority will simply inform you of that fact. It cannot reverse a decision of the governing body.

If you wish to raise the matter with Staffordshire County Council please write to:

Commissioner for Learning and Skills
Wedgwood Building
Tipping Street
Stafford ST16 2DH

In your letter please explain:

- what your complaint to the governing body was;
- what response they have made to it;
- why you think that the governing body has not followed a proper procedure in considering your complaint, and/or
- why you think that their consideration of it was unreasonable.

You will receive a written response to inform you of any further enquiries made into your complaint.

The Role of the Secretary of State for Education (the Department for Education)

If you still remain dissatisfied and feel that the School has not followed the appropriate procedure, any relevant policies, or has failed to discharge a statutory duty, you may wish to refer your complaint to the **School's Complaints Unit (SCU)** within the Department for Education at the address below:-

The Schools Complaints Unit
Department for Education
2nd Floor Piccadilly Gate
Manchester
M1 2WD

Please note that the SCU will not re-investigate the substance of the complaint as this remains the responsibility of the School, but if legislative or policy breaches are found, SCU will report them to the School and, if necessary require the School to take remedial action.

Appendix 1 - DfE guidance on complaints not in the scope of the procedure

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exceptions

- Admissions to schools
- Statutory assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Matters likely to require a Child Protection Investigation

- Exclusion of children from school

- Whistleblowing

- Staff grievances and disciplinary procedures

- Complaints about services provided by other providers who may use school premises or facilities.

Who to contact

Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA).

Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.

Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.

Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.

These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.

Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

Appendix 2 – Gorsemoor Primary School – Complaint/ Compliment Form

Please complete and return to Mrs Heath (Acting Headteacher) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

E-Mail address:

Please give details of your complaint/compliment

**What action, if any, have you already taken to try and resolve your complaint.
(Who did you speak to and what was the response)?**

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

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint/ compliment referred to:

Date:

Appendix 3 - Stage 2 Draft - Complaint Response letter from Head Teacher / Chair of Governors (if the complaint is about the Head Teacher)

Dear ****salutation****

****Complaint****

Thank you for your [e-mail / letter / telephone call etc] of ****date****. [I understand that the above matter was discussed with ****whom**** on ****date****, however I understand that you do not consider the matter to be resolved. Therefore,] I have investigated the matter in line with the Schools Complaints Policy, a copy of which I have enclosed for your information.

I understand your concerns to be that ****details of complaint/list complaints****

In order to investigate this matter, I have [describe the actions you have taken/****will take to investigate any complaint and identify the sources of your information****].

****If the complaint will take a little time to investigate explain this and provide a date when you will be able to provide a response****]

[if you have completed your investigation and can respond, confirm the outcome of your investigations, and respond to each concern raised in full. If the complaint, or any aspect of it, is upheld detail the remedial action that will be taken i.e apologise, improve procedures, staff training etc..., if the complaint is not upheld confirm the reasons for this decision].

I trust this answers your concerns but please do not hesitate to contact me should anything remain unclear.

Should you remain dissatisfied in relation to the concerns you raised or the way in which I have responded, please note that you can take the matter to the Governing Body by writing to the [Vice] Chair of Governors in the first instance c/o the School within 10 days of receiving this letter detailing the reasons why you wish to take your complaint further. The Governing Body will then convene a Complaints Committee to look at the way in which your complaint has been dealt with and invite you to attend a meeting to consider the complaint further, after which you will be informed of the outcome in writing.

Yours

Appendix 4 - Draft Stage 3 Response from Complaints Committee

Dear ****salutation****

Complaint **date**

I refer to my communication of ****date**** where you were invited to attend a meeting ****name of Committee****. You will recall that the ****name of committee**** met [with you] to discuss your complaint [as you declined to attend] at a meeting held on ****date**** to hear the reasons [review the available evidence] why you remain dissatisfied with the way in which the above complaint had been handled by the school.

You remained dissatisfied with the outcome of your complaint as investigated by ****whom**** and detailed on their letter you of ****date**** because

****detail reasons why complainant remains dissatisfied****;
****set out the complaint and findings as a laid out in the stage 2 complaint and anything extra that that may have been brought to the attention of the Committee****
****refer to any relevant legislation/policy/other information that was considered (if appropriate)****
****confirm who the committee have consulted i.e staff members, other professionals**
****conclude what the **name of committee** decided in light of the above and what actions if any will be taken****

To comply with best practice, I have also enclosed a copy of the minutes of the meeting for your information, and unless I hear from you within 5 school days from the date of this letter, I shall assume that their content is accepted as being accurate.

If you are still not satisfied with the outcome of this investigation you can refer the matter to the Local Authority who may look in to the way in which your complaint has been handled, but it does not have the power to overturn the ****name of committee**** decision.

Alternatively, you may wish to contact the School's Complaints Unit (SCU) within the Department for Education if you are the view that the School has not followed the appropriate procedure, any relevant policies, or has failed to discharge a statutory duty. Please note that SCU will not re-investigate the substance of the complaint as

this remains the responsibility of the School. I have attached a sheet with both their contact details should they be required.

In the meantime, please be assured that ****name of school**** takes all complaints seriously and that the issue/s you raised were investigated in line with the School's Complaints Policy. I trust this response has now addressed your complaint (s) and we can now all move forward positively for the benefit of all concerned.

Yours sincerely

Appendix 5 – Policy for Unreasonable Complainants

(Based on DfE guidance: January 2016)

Gorsemoor Primary 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.

Gorsemoor Primary 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 Gorsemoor Primary 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 Gorsemoor Primary School.

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.

Headteacher email: headteacher@gorsemoor.staffs.sch.uk

Chair of Governor email: governors@gorsemoor.staffs.sch.uk