



## Concerns and complaints Policy

### Introduction

Corrie Primary and Nursery School prides itself on the quality of teaching provided for its pupils. However, if parents have concerns, they can expect any issues to be treated seriously by the school in accordance with this policy document.

The Concerns and complaints Policy has been created to deal with any complaint against a member of staff or the school as a whole, relating to aspects of the school or the provision of facilities or services.

A concern or a complaint can be brought by a parent of a registered child at the school or any person who has been provided with a service/facility at the school. This person is referred to as the complainant.

Schools may have a nominated member of staff with responsibility for the operation and management of the school complaints procedure. This member of staff, however, may not necessarily be the Headteacher. At Corrie Primary and Nursery School Primary School, the class teacher will be the first point of contact.

A concern becomes a complaint only when the complainant asserts the school has acted wrongly in some significant decision, action or failure to take action.

Even when a complaint has been made it can be resolved or withdrawn at any stage.

### Aims

In line with the Education Act 2002, The Equality Act 2010 and with due regard to guidance: DfE 'Best Practice Advice for School Complaint Procedures 2020'

Corrie Primary and Nursery School will:

- Encourage the resolution of problems by informal means wherever possible.
- Allow swift handling with established time-limits for action and keeping people informed of any progress.
- Ensure a full and fair investigation by an independent person 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.

### Dealing with concerns informally

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The school recognises that a vast majority of complaints and concerns can be resolved informally.

The complainant must feel able to raise concerns and complaints with members of staff, either in person, by telephone or in writing. A preliminary discussion may be undertaken to help clarify if he or she is making a complaint or expressing an opinion, and whether they wish to take it further.

The complainant should be able to bring a friend to any discussion.

The member of staff dealing with the concern should make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed.

The process should be completed speedily and concluded in writing with appropriate detail.

Where no satisfactory solution has been found, the complainant should be informed that he or she will need to consider whether to make a formal complaint in writing to the Headteacher.

Complaints are expected to be made as soon as possible after an incident arises in order to amend the issue in an appropriate timescale.

Corrie Primary and Nursery school uphold a three-month time limit in which a complaint can be lodged regarding an incident.

Complaints outside this time limit will not be automatically refused and exceptions will be considered.

To assist in this process a complaint form should be provided. (See Appendix 1 or 2.)

## **Monitoring and recording complaints**

At all stages of the complaints procedure the following information should be recorded:

Name of the complainant.

Date and time at which complaint was made.

Details of the nature of the complaint.

Desired outcome of the complainant.

How the complaint is being investigated (including written records of any interviews held).

Results and conclusions of investigations.

Any action taken.

The complainant's response.

Record of any subsequent action if required.

## **Special Circumstances**

If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect, it may be referred without further notice to Children's Social Care and/or to the social services authority for the area in which the child lives.

If a social services authority decides to investigate a situation, this may postpone or supersede investigation by the Headteacher or Governing Body.

Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions; certain decisions relating to formal assessment of special educational needs; and decisions to permanently exclude a child.

## **Barring from the premises**

School premises are private property and therefore any individual can be barred from entering the premises.

If a parent's/carer's behaviour is cause for concern, a school can ask the individual to leave the premises.

The headteacher or the LA will notify the parties involved via writing, explaining that their implied licence for access to the premises has been temporarily revoked subject to any representations that the individual may wish to make.

The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.

This decision to bar will be reviewed, taking into account any discussions following the incident.

If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the headteacher or chair of governors.

Once the school's complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

### **Serial and persistent complainants**

The school will act in a manner they believe to be appropriate when dealing with an individual who consistently makes the same complaints or who continuously asks the school to reconsider their position.

If a complainant attempts to re-open an issue which has previously fully completed the complaints procedure, the chair of the governing body will inform the complainant that the matter is now closed.

- If the complainant contacts the school regarding the same issue again, the complaint may be classed as 'serial' or 'persistent' and the school does not have an obligation to respond.
- The school must ensure that a complaint is not classed as 'serial' before they have fully completed the complaints procedure.

Corrie primary and Nursery School will not take the decision to stop responding to an individual lightly. The school will ensure that:

- They have previously taken every reasonable step to address the problem.
- They have provided the complainant with a statement of their position.
- The complainant is contacting the school repeatedly with the same complaint.

If the school believes that the complainant is continuously contacting the school to cause disruption or inconvenience, or if the complainant is being abusive or threatening, the school has the right to not respond to the correspondent.

Once Corrie primary and Nursery School decides to no longer respond to a complainant, the individual will be informed of this decision in writing.

If the school finds it difficult to deal with a complainant due to their unreasonable behaviour, then their complaint can be directed to the LA.

The complainant has the right to a third party representative, such as the Citizens' Advice Bureau, throughout the complaints procedure.

Any new complaint made by a 'serial' complainant will be responded to.

Complainants hold the right to refer their complaint to their local MP. This would not make the individual a 'serial' or 'persistent' complainant.

Corrie primary and Nursery School will not deny any individual access to information that they have a right to under The Education (Pupil Information) (England) Regulations 2005.

## **Complaints Procedure**

### **Stage 1 - Complaint Heard by Staff Member**

Parent/carer discusses their concerns with child's class teacher, or if they prefer another member of the school's teaching staff.

Where the complaint concerns the Headteacher, the complaint can be referred to the chair of Governor.

If the first approach is made to a Governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure.

Governors should not 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 a resolution cannot be sought at this level, or the complainant is dissatisfied at the outcome of these initial discussions, then the parent/carer may wish to escalate the complaint to the next level of the procedure.

### **Stage 2 - Complaint Heard by Headteacher**

The parent/carer should request an appointment to see the Headteacher. This should be as soon as reasonably practical to avoid any possible worsening of the issue.

The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

If the complaint is against a member of staff, the Headteacher should talk to the staff member against whom the complaint has been made. If necessary, the Headteacher should interview witnesses and take statements from those involved.

The Headteacher should keep reasonable written records of meetings, telephone conversations and other documentation.

The Headteacher will investigate fully and communicate findings and/or resolutions to the complainant(s) verbally or in writing depending on the nature of the issue.

Once all the relevant facts have been established, the Headteacher should produce a written response to the complainant. The written response should include a full explanation of the decision and the reasons for it. Where appropriate, it should include what action the school will take to resolve the complaint.

Stage 2 should be completed in 15 school days. However, it is recognised that where the case is complex, it may prove difficult to meet this timetable. In such cases, the Headteacher should write to the complainant giving a revised target date.

If the parent/carer is not satisfied with the outcome at this stage then the complaint can be moved to the next level for an independent review by the Governing Body Panel.

**If the concern or complaint is against the Headteacher**, in the first instance the complainant will need to write in confidence to the chair of Governor at the school. The chair of Governor will seek to resolve the issue informally before, if necessary, moving to Stage 3.

### **Stage 3 – Complaint Heard by Governing Bodies’ Complaints Appeal Panel (CAP)**

Complaints at this stage should be made in writing and addressed to the Chair of School Governors no later than 10 school days following receipt of a Stage 2 outcome. The Chair of Governors, or a nominated Governor, will convene a GB CAP.

Written acknowledgement of the complaint will be made within 3 school days informing the complainant their complaint will be heard within 20 school days.

A CAP will be arranged with 3 members of the Governing Body and the complainant. 5 days’ notice will be given to all attending. The Clerk/Chair of the CAP should write to the complainant to explain how the review will be conducted. The letter should be copied to the Headteacher.

At the meeting everyone’s case will be put across and discussed. The CAP should reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.

The meeting should allow for:

- The complainant to explain his or her complaint and the Headteacher to explain the reasons for his or her decision.
- The Headteacher to question the complainant about the complaint and the complainant to question the Headteacher.
- The CAP to have an opportunity to question both the complainant and the Headteacher.
- Any party to have the right to bring witnesses (subject to the approval of the Chair of CAP) and all parties having the right to question all the witnesses; and
- A final statement by the Headteacher and complainant.

A written response to the complainant will be made within 15 school days. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

### **Role of the Secretary of State, Department for Education**

If the complainant is unhappy with the way in which the school has dealt with the complaint, they may be able to approach the Secretary of State, Department for Education to intervene.

For the Secretary of State to intervene following a complaint, he needs to be sure that either:

The school has acted or is proposing to act unreasonably in the exercise or performance of its functions imposed by or under the Education Act 1996; or  
The school has failed to discharge any duty imposed by or for the purposes of the Education Act 1996.

## Roles & Responsibilities

### The Remit of the CAP

The panel 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 systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any Governor sitting on a complaints panel needs to remember:

- It is important that the appeal hearing is **independent and impartial** and that it is seen to be so. No Governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, Governor need to try and ensure that it is a cross-section of the categories of Governor and sensitive to the issues of race, gender and religious affiliation.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.



- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- The Governor sitting on the panel need to be aware of the complaints procedure.

### **The Role of the Clerk**

Schools are strongly advised that any panel or group of Governor considering complaints be clerked. The clerk would be the contact point for the complainant and be required to:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible.
- Collate any written material and send it to the parties in advance of the hearing.
- Meet and welcome the parties as they arrive at the hearing.
- Record the proceedings.
- Notify all parties of the panel's decision.

### **The Role of the Chair of the Governing Body or the Nominated Governor**

The nominated Governor role:

- Check that the correct procedure has been followed.
- If a hearing is appropriate, notify the clerk to arrange the panel.

### **The Role of the Chair of the Panel**

The Chair of the Panel has a key role, ensuring that:

- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption.
- The issues are addressed.
- Key findings of fact are made.
- Parents and others who may not be used to speaking at such a hearing are put at ease.
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy.
- The panel is open minded and acting independently.

- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure; each side is given the opportunity to state their case and ask questions.
- Written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

## **Reviewing the procedure**

The complaints procedure will be reviewed every two years, taking into account the latest guidance issued by the DfE.

Responsibility for reviewing the procedure belongs to a committee of the governing body, an individual governor or the Headteacher.

All projected review dates will be adhered to.

Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.

The monitoring and reviewing of complaints will be used to help evaluate the school's performance.

Implementation date: September 2021

Review Date: Autumn term 2023

Chair of Governors: Lynne Smith

Head Teacher: Naomi Cartledge

# Appendix 1

## Complaints Form

Please complete and return to ..... the 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:
Please give details of your complaint.
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 referred to:	
Date:	

## Appendix 2

### Example letter

An example of a letter that the Chair of the Governing Body may wish to send to the complainant upon receipt of a complaint at Stage 2 for consideration by the Governing Body.

Dear Name

Thank you for your letter dated ..... setting out the reasons why you are not satisfied with the Headteacher's response to your complaint about .....

I write to let you know that I will be arranging for a Complaints Appeal Panel (CAP) to consider your complaint in accordance with our school's complaints procedure.

As explained in the procedure, the Clerk/Chair of the CAP will let you know in writing how the CAP intends to consider your complaint.

#### **(or in the case of complaints against the Headteacher)**

I have received your complaint against the Headteacher of .....School.

I write to let you know that I have forwarded a copy of your complaint to the Headteacher with a request that s/he respond within ten school days to the issues raised in the complaint.

A copy of the Headteacher's response will be sent to you as soon as possible.

If you are not satisfied with the Headteacher's response, I will arrange for a Complaints Appeal Panel to consider your complaint in accordance with Stage 2 of the attached complaints procedure.

As explained in the procedure, the Clerk/Chair of the Complaints Appeal Panel will let you know in writing how the complaint will proceed.

Yours sincerely,

**Chair of the Governing Body**

## **Appendix 3**

### **Checklist for a Panel Hearing**

- The panel hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

# Policy for Unreasonable Complainants

Corrie Primary and Nursery 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.

Corrie Primary and Nursery 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 complaints procedure has been fully and properly implemented and completed including referral to the DfE.
- 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 Corrie Primary and Nursery 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 Corrie Primary and Nursery school premises.

Implementation date: July 2019

Review Date: Summer term 2021

Chair of Governors: Lynne Smith

Head teacher: Naomi Cartledge





