



Spa Academy Askern

Complaints Policy

Reviewed: January 2019
Next Review: January 2020

ASKERN SPA JUNIOR SCHOOL

POLICY AND PROCEDURE FOR GENERAL COMPLAINTS

The school, Head teacher and staff all work hard to provide a good education for all of our children. We also work very hard to build positive relationships with all parents and carers and those who come into contact with the school. However, it is important that the school has procedures in place through which any complainants can exercise their right to complain about aspects of the school's policy or practice, if they have concerns which have not been resolved through the normal channels of communication.

This policy sets out the procedures which the school follows in such cases and is in accordance with section 29 of the Education Act 2002.

This policy does not cover complaints about:

- admissions,
- statutory assessment of SEN,
- school re-organisation proposals,
- child protection matters,
- exclusion,
- whistleblowing,
- staff grievances and disciplinary procedures,
- complaints about third party providers.

These areas have their own specific complaints procedures.

If any parents or carers are unhappy with the education that their child is receiving, or complainants have any concerns relating to the school, we encourage them to talk to the child's class teacher or school office immediately. We always seek to resolve any concerns as quickly as possible, in the best interests of the child and all parties. In the vast majority of such cases, issues can be resolved to the satisfaction of complainants without recourse to formal procedures.

Complaints to third party providers should be made via their own complaints policy.

General Principles for dealing with concerns and complaints.

This General Complaints Procedure will:

- acknowledge the difference between a **concern** and a **complaint**;
- ensure complaints or concerns are dealt with **informally** wherever possible;
- ensure complaints or concerns are dealt with **seriously**, as **quickly** as possible and **in confidence**;
- be **publicised** and **straightforward** to use and understand (see guidance notes);
- be **impartial** and **non-adversarial**;
- ensure **full** and **fair** investigation, by independent persons where necessary;
- respect people's desire for **confidentiality**;

- provide an **effective response** to the points at issue and **appropriate redress** where necessary;
- provide **information** to the school's Management Team and Governors so that operations and procedures can be improved.

The difference between a concern and a complaint

The Department for Education states that, "A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'."

Informal concerns will be taken seriously and should be dealt with as soon as possible.

Many school staff, in the course of their duties, will have meetings, scheduled and unscheduled, with parents of the children attending their school. Under Section 36 of the Data Protection Act, 1998, individuals are free to make recordings of meetings as long as the recording is for their own 'personal use' – such use would include recordings made for the sake of convenience or for individuals to ensure that they are clear about what was said at the meeting. However, if a parent then shared recorded information with a third party, or they posted information onto social media, etc, then the person, with whom the recorded information had been shared, and/ or the parent, who posted the recorded information onto social media, etc, would potentially be in breach of and be subjected to the full force and provisions of the General Data Protection Act 2018.

Where a complainant would like to raise their complaint formally, the procedures below are to be followed within three months of any incident arising. Where exceptional circumstances have reasonably prevented a complainant from communicating their complaint to the school for more than three months this may be considered.

The Concern and Complaints Procedure

Stage One: concern heard by a member of staff and clarification of how the issue may be resolved;

Stage Two: complaint made in writing to the Head teacher;

Stage Three: complaint made in writing to the Governing Body's Complaints Committee via the Chair of the Governing Body.

If your complaint is about an action of the Head teacher, then you should refer it to the Chair of Governors in writing via the school office.

If your complaint is about a member of the Governing Body, then you should refer it in writing to the Clerk to the Governing Body via the school office.

If, due to disability or learning difficulty a complainant requires to use an alternative method of contact, the school will support the complainant to do so. In this instance, brief notes of telephone calls and meetings will be kept. Recording devices may be used by the school to ensure that discussions may be accessed and reviewed at a later point.

All records relating to formal complaints will be held centrally by the school.

An unsatisfied complainant can always take a complaint to the next stage and complete the complaints procedure in full.

If necessary the complainant may contact the Local Authority to request mediation or may contact the Secretary of State if they still feel that their complaint has not been properly addressed. Parents may also contact Ofsted. However, complaints about a decision to ban an individual from the school premises cannot be escalated to the Department for Education. Independent legal advice should be sought on further options of appeal.

STAGE ONE: The First Contact

School Guidelines for dealing with concerns informally.

The vast majority of concerns and complaints can be resolved informally. There are many occasions where these are resolved straight away through the class teacher, school office staff or the Head teacher, depending on whom the person concerned first approached.

Those with a concern must be able to feel comfortable in raising concerns with members of staff without any formality, either in person, by telephone or in writing. On occasion it may be appropriate for someone to act on their behalf.

If a parent/carer is concerned about anything to do with the education that we are providing at our school, they should, in the first instance, discuss the matter with the child's class teacher or the school office.

In our experience, most matters of concern can be resolved positively in this way. Our teachers work to ensure that each child is happy at school, and are making good progress; they naturally want to know if there is a problem, so that they can take action before it seriously affects the child's progress.

Where a person feels that a situation has not been resolved through contact with the class teacher or school office, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the Head teacher. The Head teacher considers any such concern very seriously, and investigates each case thoroughly. Most concerns are normally resolved by this stage. (This is stage 1 and is the informal stage in the procedure.) Members of staff will endeavour to resolve any concerns as soon as possible.

If the nature of the concern is contentious then the complaint will be referred to the Head teacher immediately.

If a complaint is made about a member of staff then this will be referred to the Head teacher immediately.

If a Governor is approached with a concern or complaint then the person will be advised to follow the procedure by raising the matter with a member of staff in school.

If the concern cannot be satisfactorily resolved at this stage then the complainant may proceed to stage two.

STAGE TWO: Referral to the Head teacher for investigation.

Some concerns will come straight to the Head teacher verbally or written and they will be resolved informally wherever possible. (This is still stage one of the procedure.)

The complainant must make clear in writing that they are making a formal complaint in order for this to be considered at stage two, (where due to disability or learning difficulty, support in sharing a complaint will be given).

At this stage the Chair of Governors may be informed by the Head teacher and a copy of relevant documents shared.

Written complaints will be acknowledged in writing within five school days of receipt.

The Head teacher will carry out an investigation of the circumstances surrounding the complaint which might involve interviewing pupils and/or staff.

A record of interviews, statements, telephone conversations and other documentation will be kept.

The response to the complaint will normally be given within ten school days – if this is not possible then a letter will be sent explaining the delay and giving a revised date of response.

The Head teacher will give a written response that will include a full explanation of the decision and the reasons behind it. Where appropriate, this will include what action the school will take to resolve the complaint. The complainant will be advised that if they wish to take the complaint any further, they should write to the Chair of Governors via the school within two weeks of receiving the Head teacher's response.

The response to the complaint will normally be given within ten school days – if this is not possible then a letter will be sent explaining the delay and giving a revised date of response.

STAGE THREE: The Last School Stage.

Complaint Heard by the Complaints Appeal Committee of the Board of Governors.

Members of the governing body who are approached informally by a person with a concern or complaint about the school will always refer the complainant back to an appropriate member of the school staff. Only when such steps at stages 1 and 2 have been followed and the complainant remains dissatisfied or if the complaint relates to an action by the Head teacher, (e.g. a decision to ban a parent from entering the school grounds and premises) should the complaint be taken forward to the governing body. This complaint must be made in writing, (unless due to disability or learning difficulties; help in complaining has been requested) stating the nature of the complaint, and how the school has handled it so far. The parent should send this written complaint to the Chair of Governors via the school office.

The Chair of Governors or another nominated governor will investigate the issue to ensure that stages 1 and 2 of the process have been followed and that the school has responded properly to the complaint at the informal stage.

If the complainant is still not satisfied, a panel of two or three governors will be convened to hear the complaint and make a final decision about it on behalf of the governing body. The date of the meeting will be determined by the availability of all those who are required to attend. The complainant will be notified within two school weeks of the Governor receiving the complaint and the date of the meeting will be as soon as is practicably possible. The

Governors appointed to the panel should have had no previous involvement in the complaint and ensure no bias in the proceedings. If there are no Governors without prior knowledge of the complaint, an independent panel of Governors will be arranged. Any reasons for delay in arranging a complaints panel will be put in writing to the complainant. The primary function of the complaints panel is to decide on the merits or otherwise of the complaint. However, the panel will also play an important role in attempting to resolve the complaint. The panel should reach a decision on whether the complaint is upheld or rejected and may call for certain action to be taken by the school or the complainant.

The panel should invite written evidence from the complainant and the Head teacher on the complaint and the action taken to resolve it. Any witnesses which the complainant or the Head teacher wish to invite must be notified to the panel at least one week before the date of the hearing. Any written evidence should be circulated to all parties before the hearing itself, which is as follows:

- Introduction by the chair of the panel
- Complainant makes statement of complaint and outcome sought
- Questions to complainant by panel and Headteacher
- All parties hear and question any witnesses called by complainant
- Headteacher makes statement
- Questions to Head teacher by panel and complainant
- All parties hear and question any witnesses called by Head teacher
- Complainant makes final statement
- Head teacher makes final statement
- Panel withdraws and reaches decision.

It is best practice to have these meetings minuted and recorded. The minutes will remain the property of the chair of the panel and will be confidential. Care will be taken in identifying a clerk. It may be appropriate for a member of staff such as the school secretary to act as clerk, although consideration will be given to the sensitivity of the particular complaint. It is not appropriate for a governor to act as clerk. Both the complainant and the Head teacher are entitled to be accompanied by a friend who can speak on their behalf if necessary.

The decision reached by the panel will be notified to the complainant and the Head teacher in writing. The panel will consult Local Authority and School policies, seeking further relevant information or advice where appropriate, prior to discussing the outcome with the Head teacher and subsequently informing the complainant. It should also be reported back to the next meeting of the full governing body. Only a brief summary should be provided with no detailed or named information; this will ensure that any further actions will not be jeopardised.

Serial and Persistent Complainants

Askern Spa Junior School strives to be helpful to people who contact the school. However, where an individual repeatedly contacts the school making the same points or asks the school to reconsider their position, the school will need to act accordingly. Where the complainant remains dissatisfied despite all stages of the complaints procedure having been

followed it is important to recognise that the school has done all it can in response to the complaint.

A complaint may be regarded as unreasonable if the complainant:

- 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;
- places repeated objections or blocks against attempts to convene the meeting or move the process forward;
- 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.

Whenever possible, the head teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues the head teacher 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.

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.

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 person's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the head teacher 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. The person then has 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 person, 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 head teacher 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.

If a complainant tries to re-open the same issue, the chair of governors can inform them that the procedure has been completed and the matter is now closed. If the complainant contacts the school again on the same issue, the correspondence may be viewed as serial or persistent and the school may choose not to respond. A record of this decision will be retained and the complainant will be informed that no further response will be given in relation to this complaint. This decision is not taken lightly, however, it is a poor use of school time to reply to repeated letters, emails, telephone calls and face to face comments. Where the school is sure that the complaints procedure has been applied in full and the complainant has been notified of the outcome but the complainant repeats the contacts making substantially the same points the school reserves the right to cease responding to the complainant. Letters, emails and notes of conversations will be retained. Where complainants seek to cause disruption or inconvenience, are abusive or aggressive or make insulting personal comments or threats the school will refuse to respond to the subject matter.

Where an individual's behaviour is causing significant disruption, a tailored communication strategy may be implemented, e.g. a single point of contact via an email address or by limiting the number of contacts within a particular period.

New complaints will be considered under this policy. If a complainant's behaviour is considered to constitute harassment, legal advice will be sought.

Local Authority Role

The Local Authority has no power to investigate complaints about general matters that are the responsibility of the governing body. If a person approaches the LA with a complaint about a school, they will be advised to contact and to follow the school's complaints procedure. 7

If the complainant is not satisfied by the school's procedures, there is no right of appeal to the LA. However, the LA can play a useful role in mediating between the parties and helping

to reach a mutual understanding or agreement. It is for each governing body to decide whether or not the LA should have a role within their general procedures.

Independent Review

If the complainant remains dissatisfied with the response by the Governing Body, he or she would have the right to refer the matter to the Secretary of State for Education on the grounds that the governing body had failed to discharge a statutory duty or that the governing body had acted, or was proposing to act, unreasonably or unlawfully. This could lead to the issuing of a direction against the governing body. The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will only look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The Local Government Ombudsman can only consider complaints about school governing bodies that relate to admissions. If the matter is not concerned with admissions, it would not be appropriate to direct a complainant to the Ombudsman.

Managing and Recording complaints

The Head teacher is responsible for logging complaints and keeping a record of progress and outcomes. Class teachers will keep notes of significant conversations, telephone calls or letters from parents/carers/others which are concerns rather than complaints. All complaints will be logged and notes kept centrally, by the Head teacher.

Governing Body Review of Complaints

This is a regular item on Governors' meetings agendas and gives the Governing Body the opportunity to monitor the level and nature of complaints and review the outcomes on a regular basis. This will ensure the effectiveness of the Complaints Policy and changes may then be made where necessary. Complaints information shared with the whole Board will not name individuals.

Publicising the Procedure

There is a legal requirement for the Complaints Procedure to be publicised. The Complaints Procedure will be published on the school's website.