



St Faith's

Church of England
Infant and Nursery School



COMPLAINTS POLICY AND PROCEDURE

Introduction

As a Church School, the distinctive Christian values of respect, compassion, trust, justice, friendship and community are promoted through the experiences we offer to all our pupils, to give pupils the knowledge, skills and understanding that they require to lead confident, healthy and independent lives. We promote the teaching and understanding of fundamental British values in order to prepare pupils for life in modern Britain. We positively teach the values of democracy, the rule of law, individual liberty, mutual respect for and tolerance of those with different faiths and beliefs and for those without faith. Teaching the fundamental British values helps the children to become informed, active and responsible citizens.

This policy outlines the purpose, nature and management of complaints in our school. It reflects the consensus of opinion of all members of staff. It is based on current practice and has the full agreement of the governing body. The implementation of this policy is the responsibility of the Head teacher, teaching staff and support staff. It is our collective responsibility to raise awareness and that all policies are known, understood and used in an appropriate way.

1. The first step:

Please arrange to discuss any concerns with your child's class teacher, or with the particular teacher concerned. We aim that most problems can be sorted out this way.

2. The second step:

If, after speaking to your child's teacher, you do not feel that your concern has been properly dealt with, or if your concern is about the conduct of a particular teacher, then you should discuss the matter with that teacher's manager. In this school, this is usually the Headteacher. In almost all cases we can sort things out satisfactorily in this way. At this stage, you will be asked what you think might resolve the issue.

3. The third step:

You should make a formal complaint to the Headteacher. Your complaint can be made in person, by telephone, or in writing. The Headteacher will contact you to organise a meeting to discuss the complaint further.

4. Taking matters further:

If your complaint is about the conduct of the Head teacher, the complaint will be dealt with initially by the Chair of Governors. If it is about a member of the governing body, then you will need to contact the Clerk to Governors (see below).

You should also contact the governing body if you feel your complaint has not been effectively dealt with at any of the above stages. Your complaint can be made in person, by telephone, or in writing to the Clerk to the Governors at the school address. The governors will consider your complaint, and ensure a full and fair investigation is carried out where necessary by an independent person. They will write to advise you of the outcome.

NB - In order to ensure the confidentiality and dignity of all persons involved in any complaints procedure (including children if applicable), parents and carers are respectfully asked to avoid making any reference to the complaint on social networking sites.

Brief notes will be kept of any meetings and/or telephone calls and any written response to the complaint. The school will also record the progress of the complaint and the final outcome and these records will be held centrally by the Headteacher.

External Appeal - The Role of the School Complaints Unit

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will 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 SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, we may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken.

Further information can be obtained from the SCU by calling the National Helpline on **0370 000 2288** or going online at: www.education.gov.uk/help/contactus or by writing to:

Department for Education, School Complaints Unit, 2nd Floor Piccadilly Gate, Store Street, Manchester M1 2WD

Time Limits

You should make the school aware of your complaint as soon as possible after the matter or incident has occurred that you wish to complain about. Usually, we would expect you to do this within three months of the incident occurring and if you do not contact the school within that time, we will not usually consider your complaint. If your complaint relates to a continuing act, then occurrences outside of the three month time limit will usually be considered alongside the more recent occurrence. If you feel there are exceptional circumstances that have prevented you from meeting the time limit, you can provide an explanation of these circumstances along with your complaint so that Governors can take them into account. The final decision rests with Governors as to whether your complaint will be considered when it is raised outside of the three month time limit.

Complaints will be dealt with within realistic and reasonable time limits, which will be made clear to the person making the complaint.

Unreasonable Complainant Behaviour

We are 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.

St Faith's Church of England Infant 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 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 their behaviour is unreasonable and asking them to change it. For complainants who excessively contact St Faith's Church of

England Infant 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.

A third party, such as the Citizen's Advice Bureau, can act on the complainants behalf in this instance. However, any new complaint will be heard following the above procedure.

If a complainant tries to re-open the same issue, and the school feels we have done everything we can in response to the complaint and the complaints procedure has been completed, the Chair of Governors will inform the complainant 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 will be viewed as serial or persistent', as long as the procedure has been completed. In this instance, the school will not respond.

A decision not to respond will be taken if:

- The school has taken every reasonable step to address the complainant's needs and
- The complainant has been given a clear statement of the school's position and their options (if any)
- The complainant is contacting the school repeatedly but making substantially the same points each time

The complainant will be informed in writing of the school's decision not to respond.

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 St Faith's Church of England Infant and Nursery 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.

We would emphasise that the Headteacher and Governing Body are committed to ensuring a full and fair consideration of all legitimate complaints and we recognise that the majority of parents will conduct themselves in accordance with this policy. However, we reserve the right to take any necessary actions under this policy in those rare cases where a parent does not.

Governing Body Review

The Governing body will only hear about complaints in general terms, in case an appeal panel needs to be organised. They will use this general information to monitor and review the schools performance and the effectiveness of the complaints procedure.

Policy Review

This policy and procedure will be reviewed every two to three years, taking into account any new guidance issued by the Department for Education, or legislative changes. It has been written using the current departmental advice from the DfE, January 2016.

Approved by the governing body on:-	October 2021
Signed (Chair of Standards Committee)	<i>Rob McCracken and David Culy</i>
Review Date	October 2024

Note:

This complaints procedure covers all complaints about any provision of facilities or services that this school provides, with the exception of:

Admissions to school
Statutory Assessments of Special Educational Needs
School re-organisation proposals
Child Protection Investigation matters
Exclusion of pupils from school
Whistleblowing
Staff grievances and disciplinary procedures
Complaints about services provided by other providers who may use school premises or facilities

These are covered by separate statutory procedures.

Appendix – Roles and Responsibilities

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:

- co-operates with the school in seeking a solution to the complaint.
- expresses the complaint in full as early as possible.
- responds promptly to requests for information or meetings or in agreeing the details of the complaint.
- asks for assistance as needed.
- treats all those involved in the complaint with respect.

The Complaints Co-ordinator (or Headteacher)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure.
- ensure that all people involved in the complaint procedure are aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998, Freedom of Information Act 2000.
- liaise with staff members, Headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure.
- keep records.
- be aware of issues regarding:- sharing third party information.

additional support - this may be needed by complainants when making a complaint including interpretation support.

The Investigator

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:- o sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved.
- consideration of records and other relevant information.
- interviewing staff and children/young people and other people relevant to the complaint.
- analysing information.
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.
- identifying solutions and recommending courses of action to resolve problems.
- being mindful of the timescales to respond.
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

The Panel Clerk (this could be Clerk to the Governors or the Complaints Coordinator)

The Clerk is the contact point for the complainant for the panel meeting and is expected 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.
- circulate the minutes of the panel hearing.
- notify all parties of the panel's decision.
- liaise with the complaints co-ordinator.

The Panel Chair

The Panel Chair has a key role in ensuring that:-

- the meeting is minuted.
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption.
- the issues are addressed.
- key findings of fact are made.
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person.
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy.
- the layout of the room will set the tone – care is needed to ensure the setting is informal.
- the panel is open-minded and acts independently.
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing.
- liaise with the Clerk and complaints co-ordinator.

Panel Member

Panelists will need to be aware that it is important that the review panel 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. The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant.

However, it must be recognised that 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.

Many complainants will feel nervous and inhibited in a formal setting;

Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. Extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;

Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.

The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests. The welfare of the child/young person is paramount.

Interviewing Best Practice Tips

Children/young people

- Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation.
- Care should be taken in these circumstances not to create an intimidating atmosphere.
- Children/young people should be told what the interview is about and that they can have someone with them.

Staff/Witnesses

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, i.e. one question at a time.
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator/ Headteacher/ Chair of Governors the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.

Further information

Useful Resources and External Organisations

National Governors Association

Information Commissioner's Office

Other Relevant Departmental Advice and Statutory Guidance

Section 29 of the Education Act 2002

Governors Handbook

Understanding and Dealing with Issues Relating to Parental Responsibility

Other Departmental Resources

How to complain about a school - Advice for complainants

Parental Responsibility Guidance – non-statutory advice for schools