

*This policy should be used in conjunction with the DfE School Complaints Toolkit 2014 and the Best Practice Advice for School Complaints Procedures 2016, alongside Robert Peel's Home/School Agreement.*

### **Introduction**

Since 1 September 2003 governing bodies (GBs) of all maintained schools and maintained nursery schools in England have been required, under Section 29 of the Education Act 2002, summarised in Annex A, to have in place a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

This does not limit complainants to parents or carers of pupils registered at a school. A complainant could be a member of the wider community or representing an ex-pupil. The law also requires the procedure to be publicised.

The majority of issues raised by parents, the community or pupils, are concerns rather than complaints. Robert Peel School is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing formal procedures. However, depending on the nature of the complaint, you may wish or be asked to follow the school's formal complaints procedure.

The prime aim of Robert Peel Primary School's policy is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner.

The following details outline the stages that can be used to resolve complaints.

### ***The school's Policy has four main stages.***

In summary they are as follows: -

- Stage 1 (informal): concern heard by an appropriate staff member
- Stage 2 (formal): complaint heard by Headteacher;
- Stage 3 (formal): complaint heard by Chair of Governors
- Stage 4 (formal): complaint heard by GB's complaints appeal panel.

### ***Stage 1 – concern heard by staff member***

Concerns can be raised with the school at any time and will often generate an immediate response, which will resolve the concern. The school requests that parents make their first contact with their child's class teacher. On some occasions the concern raised may require investigation, or discussion with others, in which case you will receive an informal but informed response within a day or two. The vast majority of concerns will be satisfactorily dealt with in this way. However, if you are not satisfied with the result at Stage 1, please write to or call the school within 10 school working days. The school will then look at your complaint at the next stage.

### ***Stage 2 – complaint heard by Headteacher***

The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken. The Headteacher will arrange for the complaint to be acknowledged within 5 school working days of receiving it and a meeting may be convened to discuss the matter further. Following the investigation the Headteacher will aim to provide a written response within 10 school working days of



sending the acknowledgement. However if a complaint is more complex to review, this can be extended to a maximum of 20 school working days. The school will provide you details of the new deadline and an explanation on the delay. If you are not satisfied with the result at Stage 2 please write to or call the school within 10 school working days of getting our response. The school will then look at your complaint at the next stage.

### ***Stage 3 – complaint heard by Chair of Governors***

If the matter has not been resolved at Stage 2 or the complaint is about the Headteacher, then you will need to write to the Chair of Governors c/o the school. The Chair of Governors will arrange for the complaint to be acknowledged within 5 school working days of receiving it and a meeting may be convened to discuss the matter further. Following an investigation, the Chair of Governors will aim to provide a written response within 10 school working days of sending out the acknowledgement. However if a complaint is more complex to review this can be extended to 20 school working days. The school will provide you details of the new deadline and an explanation on the delay. If you are dissatisfied with the result at Stage 3, you will need to let the school know within 10 school working days of getting the response. The school will then look at your complaint at the next stage.

### ***Stage 4 – complaint heard by Governing Bodies Complaints Appeal Panel***

If the matter has still not been resolved at Stage 3, then you will need to write to the Clerk of Governors giving details of the complaint and asking that it is put before the appeal panel. Should the Chair have been involved at any previous stage in the process a nominated Governor, impartial to the complaint, will convene a complaints panel of three non-staff member governors. The complaint will be acknowledged within 5 school working days of receiving it. The hearing will normally take place within 20 school working days of sending the acknowledgment.

The aim of the Appeal Panel Hearing is to impartially resolve the complaint and to achieve reconciliation between the school and the complainant. The Chair of the Panel should ensure that the proceedings are as informal as possible but, for the sake of clarity, minutes will be taken and a procedure followed. When forming the panel, the Chair will also consider the potential for conflicts of interest carefully.

The recommended conduct of the meeting should be as follows:

1. The Clerk of the Governors meets the complainant in reception and takes them to the meeting room, after which members of the school staff will join them.
2. The Chair welcomes the complainant, introduces individuals and explains the procedure.
3. The complainant is invited to explain the complaint and may then be questioned by the Panel and/or Headteacher.
4. The Headteacher or representative Governor (not a member of the Panel) is then invited to make a statement in response to the complaint and may be questioned by the Panel and the complainant.
5. Either party may call a witness/witnesses, subject to the prior approval of the Chair of the Complaints Panel.
6. The complainant will be invited by the Chair of the Panel to make a final statement and the same courtesy should be extended to the Governor or Headteacher.
7. The Complaints Panel will then bring the hearing to a close and reach its considered decision, having first invited all other parties to withdraw. The Panel will then consider the evidence presented and:



- a) reach a decision on the complaint and the reasons for it
- b) decide upon the appropriate action to be taken to resolve the complaint
- c) where appropriate, suggest recommended changes to the school's systems or procedures to ensure complaints of a similar nature are not made in future.

All parties will be notified of the Panel's decision in writing within 5 school working days after the date of the hearing. The letter will also contain what you need to do if you wish to take the matter further.

If the complaint is regarding the competency of the Headteacher then at the informal stage the Chair of Governors and another member of the Governing Body, not on the Complaints Panel, will investigate the matter and try to resolve this with the complainant.

If the complaint is against the Chair of Governors or any individual governor, this should be addressed to the Clerk to the Governing Body. The Clerk can arrange for the complaint to be heard by the Chair or the Vice Chair as appropriate.

If the complaint is against the entire governing body, this should also be addressed to the Clerk who will determine the best course of action, depending on the nature of the complaint. This could involve asking assistance from Governor Service's team at the local authority.

A complainant will not necessarily be informed of the outcome in respect of any complaints raised against members of staff with regards to staff conduct. Conduct, performance or disciplinary issues are a confidential matter between the employer and employee.

If the complainant is not able to make a written complaint, in accordance with the Equality Act 2010, the school will accept verbal complaints, making our own notes of the details. Should the complaint reach the stage where the Chair of Governors is involved, then the Chair will contact the complainant by telephone.

### **Serial of Persistent Complaints**

There may be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed. If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond. However, the complaint should not be marked as 'serial' before the complainant has completed the procedure.

This does not mean that the school will not respond to, and try to address, a materially new complaint from the same individual.

### **Unreasonable Complaints**

Robert Peel 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. The school will not prevent any complaint from progressing through each documented stage of our complaints procedure.

Robert Peel 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 Robert Peel 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 Robert Peel Primary School.

**Complaints not in the Scope of this Policy**

The following types of complaints are covered by separate procedures.

Exception	Who to Contact
<ul style="list-style-type: none"> <li>• Admissions to schools.</li> <li>• Statutory assessments of Special Educational Needs (SEN).</li> <li>• School re-organisation proposals.</li> <li>• Matters likely to require a Child Protection Investigation.</li> </ul>	<p>Concerns should be raised direct with the local authority (LA) which is Central Bedfordshire Council. Complaints about school admissions are dealt with by the LA.</p> <p>Complaints about admission appeals are dealt with by the Local Government Ombudsman.</p>
Exclusions from school	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .
Whistleblowing	<p>The school has an internal whistleblowing policy for our employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to:</p> <p>WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD.</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>
Staff grievances and disciplinary procedures.	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
Complaints about services provided by other providers who may use school premises or facilities.	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.