

BARNES GREEN PRIMARY SCHOOL

Complaints Policy

OUR SCHOOL VISION

We will help our pupils
We will
We will allow them to
We will help them

Learn
Inspire them,
Flourish and
Excel

These are the building blocks for a successful **LIFE**.

We are a child-centred school. Every decision we make is in the child's interest.

We encourage pupils to become confident learners.

We are all members of a Learning Family and we speak and listen to each other honestly.

We listen especially carefully to our pupils.

We recognise the value of individuality.

We make sure every child can achieve excellence.

We celebrate everyone's success and learn from our mistakes.

Ours is a safe, caring and happy school.

2014

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2

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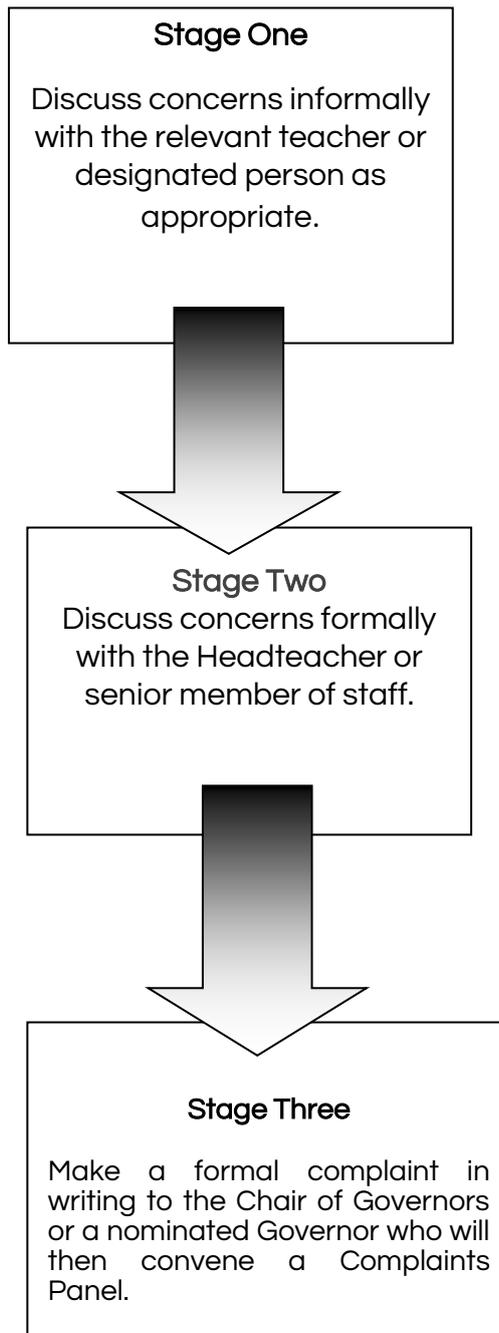
Responsible Governors
Full Governing Body

Review in
Summer Term 2018

BARNS GREEN PRIMARY SCHOOL

Complaints Policy

Overview of the complaints process at Barns Green Primary School



BARNES GREEN PRIMARY SCHOOL

Complaints Policy

Procedures for Dealing with School Complaints

Our policy follows the guidance offered by West Sussex County Council for school staff and Governing Bodies when dealing with complaints. It supports the model policies suggested by the Local Authority.

This policy incorporates the School Policy For Handling Unreasonably Persistent, Harassing Or Abusive Complainants

1. Procedure for dealing with All Complaints

1.1 In relation to resolving school complaints, the principal aim of the Governing Body is to deal with all complaints openly, fairly, promptly and without prejudice. The procedure is a staged process designed to ensure every effort is made to deal with complaints informally with the complainant if appropriate, and escalated when necessary.

1.2 A complaint against a school, as defined by section 206 of the Apprenticeships, Skills, Children and Learning Act 2009, is a complaint that **the pupil or parent of the pupil has sustained injustice in consequence of an act or omission of the Governing Body of the school or the exercise of, or failure to exercise, a prescribed function of the Headteacher of the school.** A complaint against a school does not include a decision about admissions to the school or any other matter the complainant has, or had a prescribed right of appeal.

1.3 This procedure will also be used to deal with complaints raised by persons who are not pupils or parents of pupils in school in respect of any community facilities or services the school provides.

1.4 Stage 1 is the **informal stage**. Where a complaint is raised by a parent or pupil, the class teacher or other designated teacher will receive the complaint. In the case of a complaint from any other individual, the Bursar or other designated person will receive the complaint. A decision will then be made as to which member of staff is best placed to deal with the complaint.

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1.5 Stage 2 is a **formal stage** led by the Headteacher when appropriate.

1.6 Stage 3 is the next **formal stage** led by the Governing Body.

1.7 In order to effectively manage the various complaints that may be received, the school will need to initially consider at which stage the complaint should be dealt with when first brought to the attention of the school, and which member of staff will be best placed to investigate it.

1.8 The 'Overview' at the head of this policy is provided to be of assistance in best illustrating this staged approach.

1.9 Once the Governing Body concludes Stage 3, the complaints process within the school is concluded.

1.10 There is no provision for the complainant to refer the matter to the Local Authority (West Sussex County Council), however the Apprenticeships, Skills, Children and Learning Act 2009 provides for a complaint made under Part 10 Chapter 2 to be referred for investigation to a Local Commissioner by either the complainant or with the complainant's consent, by the Governing Body or Headteacher. This comes into operation for maintained schools in West Sussex in September 2011. In the meantime, if the complainant's view is that the Governing Body has acted unreasonably, they can refer the matter to the Secretary of State (contact details at the end of this guidance).

1.11 Ofsted also has powers to investigate certain complaints by parents about their child's school (contact details for both the Local Commissioner and Ofsted are at the end of this guidance).

1.12 The Governing Body cannot consider complaints made more than three months after a child has left the school.

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2. Guidance on Each Stage of the Procedure

2.1 There are three stages to this complaints procedure.

Stage 1 is informal; **Stages 2 and 3** are formal.

Any person feeling aggrieved at the conclusion of each Stage should be advised of the next Stage of the procedure and their right to invoke it.

2.2 Stage One: Discuss concerns informally with the relevant teacher or other designated person.

2.21 Complainants are advised to speak to the teacher concerned if the matter is to do with a pupil or the curriculum and to the Bursar if it relates to any other matter. Experience has shown that most complaints can be resolved at this informal stage.

2.22 If the complainant indicates that he/she would have difficulty in discussing a complaint with a particular member of staff, the complainant should be referred to another member of staff (who may not necessarily be more senior).

2.23 The member of staff who is dealing with the complaint should ensure that the complainant is reassured that the matter will be investigated and is clear what action has been agreed. All staff should be aware of the need for confidentiality.

2.24 A brief record of any telephone calls, meetings and agreed actions relevant to the complaint should be retained. Every written record kept is subject to disclosure under either the Freedom of Information Act or the Data Protection Act. It is crucial that staff are aware that paperwork could be released on request. A senior member of staff should monitor retained records.

2.25 The outcome of Stage 1 should be communicated in writing to the complainant, and include a clear explanation as to actions taken/proposed and clear reasoning.

2.26 If the complainant, or staff member, feels the matter needs to be pursued further, the Headteacher or a senior member of staff should be contacted.

2.3 Stage Two: Discuss concerns formally with the Headteacher or a senior member of staff.

2.31 Complaints which remain unresolved at the end of Stage 1, or complaints that have been initiated at Stage 2 because of their nature or complexity, should be referred to the Headteacher or a senior member of staff for investigation. Any meetings held with the complainant in relation to the complaint should be arranged within 10 school days. More complex complaints may require an extension to this time limit and agreement should be sought from the complainant. The complainant should be kept informed of progress at all times.

2.32 A record of all dialogue (written or oral) relating to the complaint should be retained.

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2.33 The Headteacher or senior staff member should communicate the outcome of Stage 2 to the complainant in writing, together with any agreed actions.

2.34 If, following the investigation, issues arise relating to staff discipline or capability, details should remain confidential to the Headteacher. However, the complainant should be informed that the school has taken appropriate follow-up action.

2.4 Stage Three: Make a formal complaint in writing to the Chair of Governors (or a nominated governor) who will then convene a Complaints Panel.

2.41 Governors should only proceed with Stage 3 of the Complaints Procedure if they have received a complaint in writing addressed to the Chair of Governors, and all previous Stages have been exhausted (unless the nature of the complaint is such that it is appropriate to initiate the complaint at Stage 3).

2.42 The Clerk to the Governing Body will send acknowledgement of the written complaint within 5 school days.

2.43 Details of the complaint should not be disclosed to the full Governing Body at this stage.

2.44 Any Governor can sit on the Complaint Panel which is usually convened with 3 or 5 Governors supported by a Clerk. All must have had no prior involvement or knowledge of the matter under consideration, subject of the complaint.

2.45 There are times when the complaint is about the actions of the Governing Body itself, or Governors feel that because they have close associations with the school or the complainant, they cannot be objective and consequently disqualify themselves, making it difficult to appoint a Complaints Panel. Advice from the Department for Education is that in these instances, Governors with the least impartiality proceed to hear the complaint. West Sussex County Council departs from this advice and recommends that in the interests of natural justice, Governors from another school should be invited to make up the Complaints Panel. Please contact the Leadership and Governance Team at West Sussex County Council should it be necessary to resort to this course of action.

2.46 It is for the Governing Body to agree on procedures to be followed at the Complaint Panel, which should meet within 15 school days of the Clerk to the Governing Body receiving the complaint.

2.47 The Chair of the Complaint Panel should notify the complainant and Headteacher as to whether their attendance is required at the meeting. Neither party will attend in the absence of the other. Alternatively, the Panel may decide to consider written material only. .

2.48 If the complaint relates to a staff disciplinary or capability issues about which the Headteacher has already taken action, the Panel should focus on how the original complaint was dealt with to avoid prejudicing any ongoing disciplinary or capability procedures.

2.49 The complainant and Headteacher should be informed of the Panel's decision in writing within 10 school days. This concludes the school's Complaints Procedure.

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2.5 Conclusion

2.51 If the complainant remains dissatisfied and both the complaint and complainant fall within the definitions stated in Chapter 2 of Part 10 of the Apprenticeships, Skills, Children and Learning Act 2009, the complainant can refer the complaint to the Local Ombudsman (with effect from September 2011) for consideration (until September 2011 a complainant can refer the matter to the Secretary of State for Education).

2.6 Contact Details:

The Local Government Ombudsman

Address: PO Box 4771
Coventry
CV4 0EL
Telephone: 0300 061 0614 or 0845 602 1983

Email: advice@lgo.org.uk

Ofsted

Address: Royal Exchange Buildings
St Ann's Square
Manchester
M2 7LA
Telephone: 0845 640 4045

Email: enquiries@ofsted.gov.uk

Department for Education

Address: Secretary of State
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
Telephone: 0870 000 2288

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Annex

This information will be sent to persons who make spurious/vexatious or abusive complaints.

School Policy For Handling Unreasonably Persistent, Harassing Or Abusive Complainants

The headteacher and governing body are fully committed to the improvement of our school. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. There is a procedure for parents to use if they wish to make a formal complaint. Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community.

The aim of this annex is to provide information about our school policy on unreasonably persistent complainants or harassment of staff.

What do we mean by 'an unreasonably persistent complainant'?

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner. Unreasonable behaviour may include:

- actions which are
 - out of proportion to the nature of the complaint, or
 - persistent – even when the complaints procedure has been exhausted, or
- personally harassing, or
- unjustifiably repetitious

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- an insistence on pursuing unjustified complaints and/or unrealistic outcomes to justified complaints
- an insistence on pursuing justifiable complaints in an unreasonable manner (eg using abusive or threatening language; or
- making complaints in public; or
- refusing to attend appointments to discuss the complaint.

What is 'harassment'?

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

Behaviour may fall within the scope of this policy if:

- it appears to be deliberately targeted at one or more members of school staff or others, without good cause;
- the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to school staff or others;
- it has a significant and disproportionate adverse effect on the school community.

What does the school expect of any person wishing to raise a concern?

The school expects anyone who wishes to raise concerns with the school to:

- treat all members of the school community with courtesy and respect;
- respect the needs of pupils and staff within the school;
- avoid the use of violence, or threats of violence, towards people or property;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- follow the school's complaints procedure.

Schools' responses to unreasonably persistent complaints or harassment

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This policy is intended to be used in conjunction with the school's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty.

However, in cases of unreasonably persistent complaints or harassment, the school may take some or all of the following steps, as appropriate:

- inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
- inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/ Harassment Policy;
- require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
- inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channelled through the Local Authority.

Physical or verbal aggression

The governing body will not tolerate any form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- ban the individual from entering the school site, with immediate effect;
- request an Anti-Social Behaviour Order (AS BO);
- prosecute under Anti-Harassment legislation.

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- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/ Harassment Policy. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.

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