



PENSILVA PRIMARY SCHOOL COMPLAINTS POLICY AND PROCEDURE

Complaints Procedure Purpose: To establish a procedure for dealing with complaints relating to the school, as required by section 29(1)(a) of the Education Act 2002.

Scope: All matters relating to the actions of staff and application of school procedures where they affect the individual pupils concerned, except matters relating to;

- The National Curriculum;
- Exclusion;
- Statutory assessments of Special Educational Needs;
- Admissions;
- Third party providers or services using the school premises;
- School organisation proposals;
- Matters likely to require a Child Protection Investigation;
- Staff grievances and disciplinary procedures;
- Protected disclosures;

which are subject to separate procedures.

Guidance: please see Department for Education Best Practice Advice for Schools Complaints Procedures 2016

General Principles:

- An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances, e.g. safeguarding issues.
- To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. Any matter raised more than 3 months after the event being complained of will not be considered, save in exceptional circumstances.
- Investigation of any complaint or review request will begin within 10 school days of receipt of the same, save in exceptional circumstances. The investigation will be completed as soon as reasonably practicable.
- In order to prevent any later challenge or disagreement over what was said brief notes of meetings and telephone calls will be kept and a copy of any response added to the record. Where there are communication difficulties, the school may use recording devices to ensure the complainant is able to access and review the discussions at a later point
- Children will not normally be interviewed as part of the complaints process except in exceptional circumstances. If it is deemed necessary to interview a child the following guidelines will be followed:
- Children will 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 Local Authority Designated Officer (LADO) or police investigation
- Care will be taken not to create an intimidating atmosphere
- Children will be told what the interview is about and that they can have someone with them.

Part A Complaining about the actions of a member of staff other than the Head Teacher

1) Informal Stage The complainant is normally expected to arrange to communicate directly with the Headteacher. This may be by letter, by telephone, by email or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. An unreasonable refusal to attempt an informal resolution may result in the procedure being terminated forthwith. Any dispute in relation to the “reasonableness” may be determined through the review process.

2) Formal Stage If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Headteacher, who will be responsible for its investigation. The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition the Head Teacher may meet with the complainant to clarify the complaint. The Headteacher will collect such other evidence as deemed necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, that member of staff may be accompanied by a friend or representative if they wish. The investigation will begin as soon as possible and when it has been concluded, the complainant, and the member of staff concerned, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of action the school may be taking to review procedures but details of the investigation or of any disciplinary procedures will not be released
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential, e.g. where staff disciplinary procedures are being followed. The complainant will be told that consideration of their complaint by the Headteacher is now concluded. If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Governing Board review the process followed by the Headteacher in handling the complaint. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Headteacher, and include a statement specifying any perceived failures to follow the procedure. The procedure described in Part C will be followed. If the complainant considers that the decision of the Head Teacher is perverse, or that the Headteacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Headteacher under part B of this procedure. This will provide an opportunity for the evidence to support such a complaint to be investigated.

Part B Complaining about the actions of the Head Teacher

1) Informal stage The complainant is usually expected to arrange to speak directly with the Headteacher. In the case of serious concerns it may be appropriate to raise them directly with the Chair of the Governing Board. Many concerns can be resolved by simple clarification or the provision of information. If the matter is not resolved, if both parties agree, then a third party may be invited to act as a mediator at a further meeting. A refusal, unreasonably, to attempt an informal resolution may result in the procedure being terminated forthwith.

2) Formal Stage If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Chair of the Governing Board who will determine which of the agreed procedures to invoke. If it is determined that the complaint is “General”, the Chair will arrange for its investigation. The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents. In addition the complainant will be invited to meet with the Chair to present oral evidence or to clarify the complaint. The Chair will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information. The Headteacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair. Once there has been an opportunity for the Headteacher to consider this, they will be invited to meet separately with the Chair, in order to present written and oral evidence in response. The Headteacher may be accompanied at this meeting by a friend or representative. When the investigation has been concluded, the complainant and the Headteacher will be informed in writing of the outcome. The complainant will not be informed of any disciplinary/capability action. The complainant will be told that consideration of their complaint by the Chair is now concluded. If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair is perverse, or that the Chair has acted unreasonably in considering the complaint, then the complainant may request that the Governing Board review the handling of the complaint by the Chair. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Chair, and include a statement specifying any perceived failures.

Part C Review Process

Any review of the process followed by the Headteacher or the Chair shall be conducted by a panel of 3 members of the Governing Board. The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically. The panel will first receive written evidence from the complainant. The panel will then invite the Headteacher or the Chair, as appropriate, to make a response to the complaint. The panel may also have access to the records kept of the process followed. The complainant, and the Headteacher or the Chair, as appropriate, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full but that the procedural failure did not affect the outcome significantly so the matter is now closed
- The concern was substantiated in part or in full and the Governing Board will take steps to prevent a recurrence or to rectify the situation [where this is practicable]

Unreasonable Complainants

Pensilva 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.

Pensilva Primary 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 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. 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 Pensilva Primary School.