

## BENGEO PRIMARY SCHOOL

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### HOW TO COMMENT OR COMPLAIN

#### **We care about what you think**

Each day this school makes many decisions and tries hard to do the best for all the children. Your comments - either positive or negative - are helpful for future planning.

You may want to talk to us about a particular aspect of this school, though not actually make a complaint - you just want to get something 'off your chest'.

If you are dissatisfied about the way your child is being treated, or any actions or lack of action by us, please feel free to contact us using the details listed above.

## Our aims

- Your complaint will be dealt with honestly, politely and in confidence.
- Your complaint will be looked into thoroughly and fairly.
- If your complaint is urgent we will deal with it more quickly.
- We will keep you up to date with progress at each stage.
- You will get an apology if we have made a mistake.
- You will be told what we are going to do to put things right.
- You will get a full and clear written reply to formal complaints within **28 school days (5½ weeks)**.

## How to make a complaint

### In the first instance – informal stage

If you have a concern about anything we do, or if you wish to make a complaint, you can do this by telephone, in person or in writing (by letter or email). We hope that most complaints can be settled quickly and informally, either by putting matters right or by giving you an explanation. If there is something you are not happy about, or you don't understand why we are doing something in a particular way, please come in and discuss it with the class teacher or another appropriate member of staff, such as the Special Educational Needs Co-ordinator (SENCo) if it is about Special Needs.

We know that it can feel uncomfortable to question or challenge something, but if you don't tell us what is worrying you we cannot explain what we are doing or try to put it right. If the member of staff you speak to in the first instance is unable to resolve the matter, you should make an appointment with the Headteacher. You should be able to sort out your worries but sometimes this is not possible. In this case there is a next step.

### First - formal stage

**Request a meeting with the Headteacher** who will investigate your complaint and aim to inform you of the outcome **within 10 school days (2 weeks)**.

If your first contact is with individual Governors, they will advise you to take up your concerns with the appropriate member of staff or Headteacher. A Governor should not be made aware of a potential complaint as they may be required to sit on a Panel in the event of a formal hearing (Stage Two) and should be impartial.

If your complaint is about the Headteacher, you should **write to the Chair of Governors**. If your child has a Statement of Special Educational Needs (SEN) or an Education, Health and Care Plan (EHCP) you might find it helpful to talk to our Special Educational Needs Co-ordinator (SENCo) or your child's named Special Needs Officer at the Local Authority. The SEND Information Advice and Support Service (SENDIASS – formerly Parent Partnership) may also be able to help you.

## Second - formal stage

If you remain dissatisfied following Stage 1 and wish to take your complaint further, you will be asked to complete a form or write a letter addressed to the Chair of Governors. In the letter you should:

- Make it clear why you are complaining.
- Say who you have spoken to already.
- Explain what you want to happen as a result of your complaint.

The Chair of Governors will arrange for your complaint to be considered and investigated under the arrangements approved by the Governing Body. This is likely to involve a Panel of Governors. If the Chair of Governors or another Governor has been involved in discussions to help settle the disagreement at Stage 1, s/he should arrange for another Governor to take charge of the investigation. The Governor in charge of investigating the complaint may ask to meet you to discuss your concerns.

You should make sure that the Governors' Complaint Panel is provided with any written information or evidence you intend to use in a formal hearing. You may bring a friend, representative or interpreter to any meeting if you wish. The Chair of the Panel may invite any person who may help establish the facts of the complaint. The Chair should tell you who this person is before the meeting. If any member of staff is required by the Governing Body to attend a meeting they will have the opportunity to be accompanied or represented as they wish. A member of staff named in a complaint may also choose to attend a meeting, even if not required to do so by the Governors. They may be represented. If this happens, we will inform you in advance.

When the Panel has fully investigated your complaint, the Chair of the Panel or the Governor in charge of the investigation will write to you to tell you the findings. These findings will be reported to the Governing Body. The Chair of Governors will then write to you confirming the outcome of your complaint and any agreed actions to be taken. Our Governing Body will aim to deal with your complaint **within 28 school days (5½ weeks)**.

## Further recourse

Most complaints are resolved by this process. Should your complaint not be resolved, your further options are as follows:

You can complain to the Secretary of State at the Department for Education:

The Secretary of State  
Department for Education  
Sanctuary Buildings  
Great Smith Street  
London  
SW1P 3BT

Website: [www.education.gov.uk](http://www.education.gov.uk)

Telephone: 0370 000 2288

In the case of complaints about **Special Educational Needs provision**, you may complain further to the Local Authority. This should be done by writing to the Children's Services Complaints Manager.

It should be noted however that if you wish to pursue this route, you must do so within **20 working days (4 weeks)** of receiving the written outcome of the hearing into your complaint. After **20 working days (4 weeks)**, neither the school nor the Local Authority is under any obligation to investigate or progress your complaint any further.

## Useful contacts

### **Advisory Centre for Education**

Education Advice & Training  
72 Durnsford Road  
London  
N11 2EJ  
Web: [www.ace-ed.org.uk](http://www.ace-ed.org.uk)  
Phone: **0300 0115 142**

### **POhWER**

Hertlands House  
Primett Road  
Stevenage  
SG1 3EE  
Web: [www.pohwer.net](http://www.pohwer.net)  
Phone: **0300 456 2370**

### **Children's Legal Centre**

Riverside Office Centre  
Century House North  
North Station Road  
Colchester  
Essex  
CO1 1RE  
Web: [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)  
Phone: **0345 345 4345**

### **National Youth Advocacy Service**

(NYAS)  
Egerton House  
Tower Road  
Birkenhead  
Wirral  
CH41 1FN  
Web: [www.nyas.net](http://www.nyas.net)  
Phone: **0345 345 4345**

### **SENDIASS** (Special Educational Needs & Disability Information Advice Support Service – formerly Parent Partnership)

Registry Office Block  
CHR102  
County Hall  
Hertford  
SG13 8DF  
Web: [www.hertsdirect.org/parentpartnership](http://www.hertsdirect.org/parentpartnership)  
Email: [parent.partnership@hertfordshire.gov.uk](mailto:parent.partnership@hertfordshire.gov.uk)  
Phone: **01992 555847**

### **Family Lives**

#### **(Formerly Parentline Plus)**

15-17 The Broadway  
Hatfield  
Hertfordshire  
AL9 5HZ  
Web: [www.familylives.org.uk](http://www.familylives.org.uk)  
Phone: **0808 800 2222**

## **General Principles of complaints**

### **Dealing with Complaints – Initial concerns**

1. Schools need to be clear about the difference between a concern and a complaint. A concern can be defined as a cause of worry, whilst a complaint can be defined as an expression of dissatisfaction. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
2. These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. It would be helpful if Staff were able to resolve issues on the spot, including apologising where necessary.

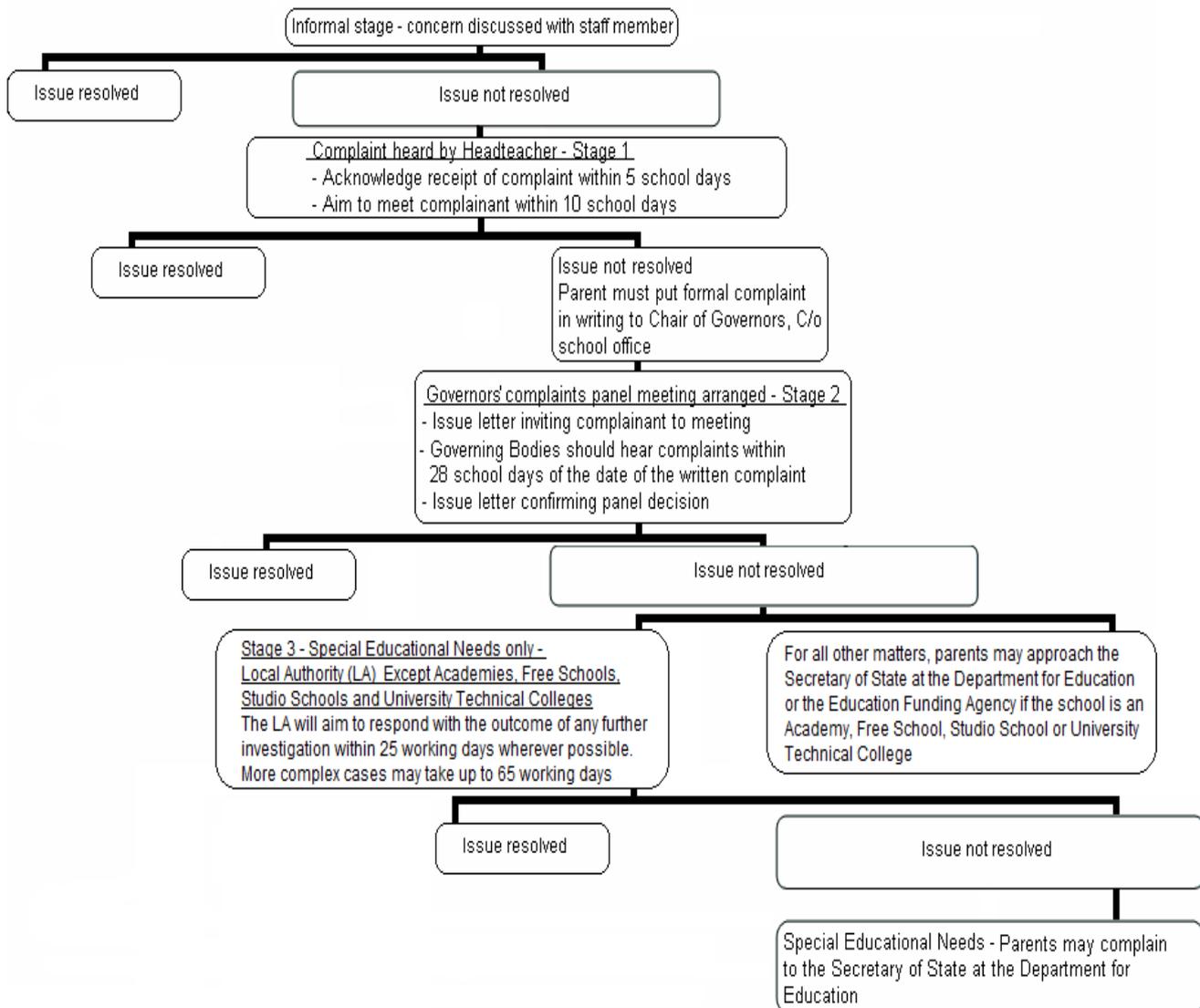
### **Dealing with Complaints – Formal procedures**

3. The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.
4. Schools might wish to nominate a member of Staff to have responsibility for the operation and management of the school complaints procedure. They could be termed the school's 'Complaints Co-ordinator'. In smaller schools this may often be the Headteacher.

### **Flowchart - Summary of Dealing with Complaints**

Please see next page.

## Dealing with complaints



## Framework of Principles

5. An effective Complaints Procedure will:
- encourage resolution of problems by **informal** means wherever possible;
  - be easily **accessible** and **publicised**;
  - be **simple** to understand and use;
  - be **impartial**;
  - be **non-adversarial**;
  - allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
  - ensure a full and **fair** investigation by an independent person where necessary;
  - respect people's desire for **confidentiality**;
  - address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
  - provide **information** to the school's Senior Management Team so that services can be improved.

## Investigating Complaints

6. It is suggested that at each stage, the person investigating the complaint (the Complaints Co-ordinator), makes sure that they:
- establish **what** has happened so far, and **who** has been involved;
  - clarify the nature of the complaint and what remains unresolved;
  - meet with the complainant or contact them (if unsure or further information is necessary);
  - clarify what the complainant feels would put things right;
  - interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
  - conduct the interview with an open mind and be prepared to persist in the questioning;
  - keep notes of the interview.

## Resolving Complaints

7. Prior to a complaint being escalated to involve a formal hearing, schools will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:
- an apology;
  - an explanation;
  - an admission that the situation could have been handled differently or better;
  - an assurance that the event complained of will not recur;

- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

8. It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of liability.

9. An effective complaints procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

### **Vexatious Complaints**

10. If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. A vexatious complaint is likely to involve some or all of the following:

- the complaint arises from a historic and irreversible decision or incident;
- contact with the school is frequent, lengthy, complicated and stressful for Staff;
- the complainant behaves in an aggressive manner to Staff when he/she presents his/her complaint or is verbally abusive or threatening;
- the complainant changes aspects of the complaint partway through the complaint process;
- the complainant makes and breaks contact with the school on an ongoing basis; or
- the complainant persistently approaches the school (and in some cases the Local Authority) through different routes about the same issue in the hope of eliciting different responses.

If the situation is challenging but it is possible to proceed, Staff should avoid giving unrealistic expectations on the outcome of the complaint. In instances where there is a complete breakdown of relations between the complainant and the school, a decision may be made to restrict contact. Any restrictions imposed should be appropriate and proportionate. The options that schools are most likely to consider are:

- requesting contact in a particular form (e.g. – letters only);
- requiring contact to take place with a named member of Staff (e.g. – Headteacher);
- restricting telephone calls to specified days and times;
- asking the complainant to enter into an agreement about his/her future contact with the school; and
- informing the complainant that if he/she still does not follow this advice (as stated above) any further correspondence that does not present significant

new matters or new information will not necessarily be acknowledged, but should be kept on file.

- if the complainant tries to reopen an issue that has already been examined through the complaints procedure, the Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

The Complaints Team can be contacted directly where the school identifies a need to discuss a particular case further in order to ascertain whether the complaint can be considered vexatious or not. Useful contact details are included in this document at the end of Appendix 2.

### **Time-Limits**

11. Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

### **Stages of the complaints process**

12. A clear complaints process has well-defined stages:

Informal – Local resolution of the concern with Staff member

Stage 1 – complaint heard by Headteacher

Stage 2 – Governors' Complaint Panel

Further recourse – Possibly to Department for Education, Diocese, Local Authority, or OFSTED (where appropriate).

### **Recording Complaints**

13. Schools should record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, it would be helpful if the member of Staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

### **Governing Body (GB) Review**

14. The Governing Body can monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Preferably, complaints information shared with the whole Governing Body will not name individuals.

15. As well as addressing an individual's complaints, the process of listening to, and resolving complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Governing Body can be a useful tool in evaluating a school's performance.

**Publicising the Procedure**

16. This policy will be publicised on the school website, under 'statutory'.

Signature:	
Print Name:	Mark Smith – Chair of Governors
On behalf of Governing Body	
Date:	

Note for School : There is a 'Tool kit' for Governors available as an add-on to this policy.

## COMPLAINT FORM

<b>Name:</b>	
<b>Address</b>	
<b>Postcode:</b>	
<b>Pupils Name (if applicable)</b>	
<b>Pupils Class Teacher (if applicable)</b>	
<b>Telephone Number – Daytime</b>	
<b>Telephone Number – Evening</b>	

<b>What is your complaint about?</b>

