



# Layfield Primary School

## Complaints Policy

November 2019

**Review date:** November 2020

## **Introduction**

At Layfield Primary School we all work very hard to build positive relationships with everyone within the community. Our aim is to deal with issues and problems before they become a formal complaint. This document sets out the policy that our school and any complainant should follow. It is important to read this guidance in conjunction with the Procedures for Dealing with Complaints document.

This policy aims to reassure complainants that any concern raised will be dealt with in a fair, open and responsive way with the aim of achieving a speedy and satisfactory resolution. The purpose of this policy is to provide clarity for both the complainant and staff about the procedures involved.

The Complaints Co-ordinator is the Headteacher.

The DfE's advice identifies areas lying outside the scope of school procedures.

<b>Exceptions</b>	<b>Whom to contact</b>
<ul style="list-style-type: none"> <li>• Admissions to school</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> <li>• Matters likely to require a Child Protection investigation</li> </ul>	Local authority.
<ul style="list-style-type: none"> <li>• Exclusion from school</li> </ul>	Parents and carers may use procedures to challenge permanent exclusions and fixed term exclusions of more than 5 days in a given term. Concerns about the process followed can be raised via the complaints procedure.
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<ul style="list-style-type: none"> <li>• Schools should have an internal procedure for employees and volunteers.</li> <li>• Ofsted may be contacted by email (whistleblowing@ofsted.gov.uk) telephone (03001233155) or in writing (WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD).</li> </ul>
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	Schools must have staff grievances, discipline and conduct procedures in place. Complainants are not informed of the outcomes of actions under this procedure.
<ul style="list-style-type: none"> <li>• Complaints about services provided by external bodies using a school's premises or facilities</li> </ul>	Providers should be contacted directly and have their own procedures for such eventualities.

## **Summary of the Policy**

There are five stages within our procedures:

- Stage 1 – informal communication with a member of staff } informal concern
- Stage 2 – formal communication with the Headteacher } formal complaint
- Stage 3 – formal communication with the Chair of Governors }
- Stage 4 – formal referral to the Governors Appeal Committee
- Stage 5 – referral to the School Complaints Unit to check procedure

### **Stage One: Informal Concern Heard by a Member of staff**

- It is advised that any concerns are raised with the relevant member of staff as early as possible.
- Concerns at this stage may be made in person, by telephone, or in writing.
- If the member of staff feels too compromised to deal with a complaint, the complainant will be referred to another staff member. This member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is crucial.
- The staff member to whom the concern is initially referred will aim to deal with the concern as soon as possible.
- If the complainant feels that the concern is unresolved they may choose to proceed to Stage Two.
- If the complainant has not proceeded to Stage Two within five working school days, the process is considered closed.

### **Stage Two: Formal Complaint Heard by the Headteacher**

- The concern has now become a formal complaint and the complainant is required to submit this in writing using the form attached as Appendix 1.
- The Headteacher will formally investigate the complaint.
- The Headteacher will respond to the complainant in writing and may provide an opportunity to meet to discuss the complaint. As far as is reasonable this will take place within ten working schools days.
- The response will document the decision reached and the reasons for it. Where appropriate, it will also include what action the school will take/has taken to resolve the complaint.
- If the complainant feels that the complaint is unresolved they may wish to proceed to Stage Three.
- If the complainant has not proceeded to Stage Three within ten working school days, the process is considered closed.

**If the complaint relates to the Headteacher, the complainant should write directly to the Chair of Governors, c/o the school, with their complaint.**

### **Stage Three : Formal Complaint Heard by Chair of Governors**

- The complainant is required to put their complaint in writing using the form attached as Appendix 2. This should be addressed to the Chair of Governors c/o the school in a sealed envelope.
- The Chair of Governors reserves the right to delegate to another Governor to undertake this stage if necessary.
- The Chair of Governors should acknowledge the complaint in writing within five working school days of receipt.
- The Chair of Governors will conduct their own investigation into the complaint.
- The Chair of Governors will make a decision, on the basis of the information gathered, and possible outcomes may include:
  - dismiss the complaint in whole or in part;
  - uphold the complaint in whole or in part;
  - decide on the appropriate action to be taken to resolve the complaint;
  - recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
- The Chair of Governors will respond to the complainant in writing and may provide an opportunity to meet to discuss the complaint. As far as is reasonable this will take place within

ten working school days of the Chair completing their investigation.

- This is the end of the formal complaints process.
- If the complainant feels that the Complaints Policy or any other relevant policies have not been followed in accordance with the procedures set out they may wish to proceed to Stage Four and so the letter to the complainant will offer the right of appeal to the Governing Body Appeal Committee.
- If the complainant has not proceeded to Stage Four within ten working school days, the process is considered closed.

**If the complaint relates to the Chair of Governors, the complainant should write directly to the Clerk to the Governing Body, c/o the school, with their complaint.**

#### **Stage Four: Appeal to the Governors Appeal Committee**

- The complainant must appeal in writing to the Clerk to the Appeal Committee, c/o the school using the Appeal Request Form - Appendix 2.
- The request must provide a clear statement specifying any perceived failures to follow the procedure.
- The appeal must be in relation to which part of the Complaints Policy or any other relevant policies the complainant feels have not been followed in accordance with the procedures set out and why they feel that the Chair's decision cannot be upheld. This is not a further opportunity to have the complaint re-investigated and the panel will not re-investigate the substance of the complaint.
- A nominated governor will convene a Governors Appeal Committee meeting and provide the complainant with relevant guidance about this stage.
- The committee is drawn from the nominated members of the Governing Body (or if necessary, governors from another school in the Local Authority) and will consist of three people.
- No governor may sit on the committee if they have had a prior involvement in the current procedure at any stage or in the circumstances surrounding it.
- The governors sitting on the committee need to be aware of the Complaints Policy and the Procedures for Dealing with Complaints document.
- The aim of the committee is to review whether the Complaints Policy and procedures have been followed.
- The complainant will be offered the opportunity to discuss their appeal with the committee and explain why they are not satisfied the policy has been followed. The Chair of Governors will also be offered the opportunity to discuss the appeal with the committee.
- Should the complainant or Chair of Governors intend to call witnesses to the meeting, their name/s should be notified to the Clerk to the Committee prior to the meeting in order that appropriate accommodation can be sought. It is the responsibility of the complainant and Chair of Governors to ensure that witnesses are invited to the meeting. (A checklist for an Appeal Committee meeting is attached as Appendix 3).
- The Appeal Committee will consider all of the evidence provided and write to inform the complainant within ten working school days of their decision. Possible outcomes may include:
  - dismiss the appeal in whole or in part;
  - uphold the appeal in whole or in part;
  - decide on the appropriate action to be taken to resolve the appeal;
  - recommend changes to the school's policy or procedures to ensure that problems of a similar nature do not recur.

**This is the last school-based stage of the process and is not convened to merely rubber stamp previous decisions, but to look at whether the policy or any other relevant policies have been followed in accordance with the procedures set out and therefore uphold the outcome at Stage 3.**

- Members of the Appeal Committee can request that the meeting is adjourned or halted should they feel this is necessary.
- Should the complainant not be satisfied that policy or procedures have not been followed then they may decide to write to the School Complaints Unit within ten working days of the Complaints Committees response.

### **Stage Five: The School Complaints Unit**

- The School Complaints Unit (SCU) can be contacted at:  
 Department for Education  
 2<sup>nd</sup> Floor,  
 Piccadilly Gate  
 Manchester  
 M1 2WD
- The SCU will only consider cases in which the governing body has acted unlawfully or unreasonably. The SCU will examine if the Complaints Policy and any other relevant policies were followed in accordance with the procedures set out. The SCU also examines policies to determine if they adhere to education legislation.
- **The department will not re-investigate the substance of the complaint.** This remains the responsibility of the school.
- If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

### **Anonymous Complaints**

The Governing Body will not consider anonymous complaints.

### **Vexatious Complaints**

There may be occasions when, despite all stages of Complaints Policy or any other relevant policies and procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue at any stage, the relevant person will inform them that the procedure has been completed and that the matter is therefore closed.

If the complainant raises a concern or complaint again on the same issue, then the correspondence may be recognised as 'serial' or 'persistent' and there will be no obligation on the part of the school to respond.

A vexatious complaint is deemed to be one which is 'serial' or 'persistent' and may be defined as 'manifestly unjustified, inappropriate or improper use of formal procedure'. The following criteria may be applied to decide whether a complaint is vexatious:

- All reasonable steps have been taken to address matters
- A clear statement had been provided which details the school's position
- The school is being repeatedly contacted with the same points being raised
- The school has reasonable grounds for believing that the intention is to cause inconvenience
- Communications are aggressive in tone or content. Abusive, derogatory and/or threatening comments are made.

Legal advice will be sought if the school feels that persistent contact of a complainant constitutes harassment.

## **Timeframes**

Complaints need to be considered and resolved, as quickly, and efficiently as possible. Realistic timeframes have been included within each stage to ensure that the procedure is effective.

Where timeframes are given, these are considered to be working school days and do not include weekends or holiday periods when the school is closed.

## **Cut-off Limits**

In exceptional circumstances the school may consider complaints not lodged within the stated periods. In such cases the complainant will be required to provide a written explanation of why they were unable to lodge their complaint within the stated periods of the policy. Incidents of this nature will be considered on an individual basis within the stage that they occur.

## **Record keeping**

All stages of the procedure should be recorded by the member of staff or governor who is dealing with the concern or complaint. Records of concerns and complaints are held in school. Records of concerns and complaints may need to be presented in the course of any investigations into complaints.

## **Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. We will therefore act to ensure that Layfield Primary School remains a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, we 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. We will 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 will 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.

## Formal Complaint Form

<b>Name:</b>	
<b>Address</b>	
<b>Postcode:</b>	
<b>Pupil's Name (if applicable)</b>	
<b>Pupil's Class Teacher (if applicable)</b>	
<b>Telephone Number – Daytime</b>	
<b>Telephone Number – Evening</b>	
<b>Email Address:</b>	

**Please provide concise details of your complaint (include dates, names or witnesses etc) to allow the matter to be fully investigated.** You may continue on separate paper or attach documents if you wish – please indicate the number of additional pages \_\_\_\_\_.

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**What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)**

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**What actions do you feel might resolve the problem at this stage?**

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<b>Signed:</b>		<b>Date:</b>	
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**Please return this form to the Headteacher**

**School use:**

<b>Received by:</b>	<b>Date:</b>
<b>Acknowledgement sent by:</b>	<b>Date:</b>
<b>Complaint referred to:</b>	<b>Date:</b>

## Appeal Request Form

Please complete this form and return it to the Clerk to the Governing Body c/o the school in a sealed envelope.

<b>Name:</b>	
<b>Address</b>	
<b>Postcode:</b>	
<b>Pupil's Name (if applicable)</b>	
<b>Pupil's Class Teacher (if applicable)</b>	
<b>Telephone Number – Daytime</b>	
<b>Telephone Number – Evening</b>	
<b>Email Address:</b>	

Dear Sir / Madam,

I submitted a formal complaint to the school on \_\_\_\_\_ and am dissatisfied by the procedure that has followed.

My complaint was submitted to \_\_\_\_\_ and I received a response from \_\_\_\_\_ on \_\_\_\_\_.

I have attached copies of my formal complaint and of the response(s) from the school.

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper or attach documents if you wish – please indicate the number of additional pages \_\_\_\_\_.

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

**Clerk to Governing Body use:**

<b>Received by:</b>	<b>Date:</b>
<b>Acknowledgement sent by:</b>	<b>Date:</b>



## Checklist for an Appeal Committee Meeting

The Committee needs to take the following points into account:

### Prior to the meeting:

- Members of the Appeal Committee, the Chair of Governors and the complainant will be invited to attend the meeting by the Clerk. Details of the time and venue will be included. The letter from the complainant will be attached so that the Committee members and the Chair understand the nature of the appeal. The information will also include a copy of the Complaints Policy and Procedures for Dealing with Complaints document. The Chair of Governors and the complainant are invited to submit any written evidence to be considered.
- Once received, any written evidence submitted will be shared with members of the Committee, the Chair of Governors and the complainant prior to the meeting in order that all parties are prepared.

### At the meeting:

- The Committee will meet privately to discuss the nature of the appeal, evidence submitted and their line of questioning.
- All parties meet together and after introductions, the Chair of the Committee explains the nature of the meeting and the process below.
- The complainant and the Chair of Governors statements will be provided to the committee separately. Therefore, the Chair of Governors leaves the meeting and the complainant is invited to explain their appeal. The committee will ask the complainant any questions they have.
- The complainant leaves the meeting and the Chair of Governors is then invited before the Committee to explain the school's actions. The committee will ask the Chair of Governors any questions they have. The Chair of Governors then leaves the meeting.
- The Committee may recall the complainant or the Chair of Governors to ask further questions at any point.
- Witnesses are only required to attend for the part of the meeting in which they give their evidence.
- Once the Committee are satisfied that they are able to make a decision based on the evidence they have seen and heard, the complainant and Chair of Governors are invited back to the meeting and The Chair of the Committee explains that this stage in the process is now completed and that both parties will hear from the Committee within ten working days.
- The Clerk writes to all parties with the decision of the committee.

## Complaints Procedure Flow Chart

## **Informal Stage**

There is a concern

**Stage 1: Concern Heard by a Member of Staff**

## **Formal Stages**

There is a complaint

**Stage 2: Complaint Heard by the Headteacher**

**Stage 3: Complaint Heard by the Chair of Governors**

## **Formal Stages**

There is an appeal

**Stage 4: Appeal to the Governors Appeal Committee**

**Stage 5: Appeal to School Complaints Unit**

