



Basildon CE Primary School

Complaints Policy and Procedures

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This document sets out

- the policy for dealing with comments, grievances and complaints
- the School's Complaints procedure
- the School's Persistent Complaints procedure

COMPLAINTS POLICY

This document sets out the policy for dealing with comments, grievances and complaints.

This policy should read in conjunction with the School's Complaints procedure.

This policy should be used for:

- Complaints relating to the schooling of your child
- Complaints about the education and care provided to pupils at the school
- Complaints about the school's operational arrangements

This policy is limited to matters which can reasonably be investigated and therefore complaints should relate to matters which have occurred within the last 12 months.

This policy should not be used for:

- Complaints by staff relating to grievances about their employment
- Complaints about the actions of a governor
- Complaints about the actions of another parent
- Allegations of abuse
- Issues between the school and community groups/PTA

These matters will be dealt with by:

- Complaints by staff relating to grievances about their employment
There is a separate staff grievance procedure
- Complaints about the actions of a governor
This should be reported to Chair of the Governing Body in the first instance, and considered with reference to the West Berkshire Governors Code of Conduct
- Complaints about the actions of another parent
This should be reported to the Headteacher who will investigate whether action can be taken by the school
- Allegations of abuse
*Any allegations of abuse should be discussed with the Headteacher or a senior staff member in the first instance.
For a definition of abuse, refer to your Child Protection/Safeguarding policies*
- Issues between the school and community groups/PTA
These will be resolved informally by discussion

Status

Section 29 of the Education Act 2002 states the need to have in place a procedure to deal with complaints relating to the school and to any community facilities or services the school provides.

The law also requires the complaints procedure to be publicised.

Purpose

The school's values are concerned with meeting the needs of pupils, parents and other stakeholders. The governing body believes that feedback is an important ingredient in self-evaluation and raising standards. All stakeholders should feel that their concerns or complaints can be voiced and will be considered seriously.

The school takes informal concerns seriously and aims to resolve them at the earliest stage in order to reduce the numbers that develop into formal complaints.

The underlying principle is that concerns will be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure will not in any way undermine efforts to resolve the concern informally. Staff will endeavour to resolve issues on the spot.

Formal procedures will 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.

Applicability

The policy shall apply to all employees and governors of the school. It is the shared responsibility of the Headteacher and the Chair of the Governing Body to ensure that these groups are made aware of the policy and procedure.

The 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 panel *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.

COMPLAINTS PROCEDURE

This section sets out detailed guidance on the processes for dealing with comments, grievances and complaints.

A complaint is an expression of dissatisfaction about the school. Two different types of complaint are recognised by the school:

- (a) A **justified complaint** - where the School is at fault because we have failed to do something we should have, or we have done something we should not have.
- (b) A **grievance** - where the complainant is dissatisfied but we are not at fault because we are following an agreed policy or procedure. Whilst these may be understandable causes for complaint, the concerns reflect policies and budgets already agreed by the school and its Governing Body. As such the School has not failed to do something it said it would, or has agreed to do.

Receiving Complaints

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of first contact between the complainant and the school can be crucial in determining whether the complaint will escalate.

First contact in most cases, will be via the Admin team, either in person on arrival at the main reception, by telephone or by email. It is the responsibility of the School Business Manager to ensure the Admin team are fully aware of the correct procedure to follow, as outlined in this document.

It is important that the Admin team member

- remains calm
- does not enter in discussion with the complainant with regard to the complaint
- directs the complainant as swiftly as possible to the appropriate member of staff.

In the first instance the complaint should be discussed between the person making the complaint and the member of staff involved. If a complainant indicates that he/she would have difficulty discussing a complaint with that particular member of staff he/she should be referred to another staff member. Where the complaint concerns the head teacher, or a governor, the complainant should be referred to the chair of governors.

Similarly, if a member of staff/head teacher/chair of governors feels too compromised to deal with a complaint it should be referred to another member of staff or another governor. The ability to consider the complaint objectively and impartially is crucial and it is also important to give an indication of timescale if it is found that the complaint requires further investigation.

If a complainant first approaches a governor, he/she should be referred to the appropriate person i.e. the member of staff concerned or the chair of governors. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a committee at a later stage of the procedure.

Investigating Complaints

At each stage the person investigating the complaint will ensure 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 any interview or meeting
- communicate with the complainant at each stage over discussions and agreements reached.

Resolving Complaints

At each stage in the procedure, successful resolution of the complaint will take priority. If appropriate one or more of the following may be offered:

- 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.

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage.

Time Limits

Complaints will be considered and resolved as quickly and efficiently as possible. Realistic time limits will be set for each action within each stage. However, where further investigations are necessary, new time limits may need to be set and the complainant sent details of the new deadline and an explanation for the delay.

On occasion, the school may need to extend the time to respond to a Stage 1 or Stage 2 complaint. This may be because of resource or capacity issues, or because additional information needs to be obtained to investigate the complaint. In such cases, the school will provide a holding letter, explaining the reason for the delay, and providing a date by which a response will be supplied.

Response times given refer to Monday to Friday inclusive, term time only.

Record Keeping

- All complaints will be responded to in writing.
- At Stage 1 – even though this is an informal stage, the complainant will receive a reply in writing and a copy should be retained for reference.
- At Stages 2a, 2b and 3 – there should be clear communication in writing throughout the handling of the complaint. A copy of all written communication should be retained for reference.

Only complaints relating to the schooling of the specific child would fall within the child's files. Other issues will be filed separately in a secure location and will be retained for a period of 7 years.

STAGE ONE (informal):

Concern/Complaint heard by relevant staff member (when not the subject of the complaint).

Where a complainant is unhappy with an issue in school they should contact a member of staff in the first instance. In most cases this will be either a child's teacher or the school office staff. The member of staff receiving the complaint will either:

- Provide a response to the complainant (after discussions with relevant colleagues if necessary) or
- Refer the complaint to the appropriate person within the school.

Where the complaint concerns the Headteacher, the complainant should proceed to Stage 2b.

If the complainant indicates that he/she would have difficulty discussing a complaint with a particular member of staff, or the complaint relates to the staff member, the complainant may be referred to another staff member (or the Headteacher). The ability to consider the complaint objectively and impartially is crucial.

The school will respond in writing ***within five school days***, with a brief summary of the complaint and a response.

If the complainant wishes to move to Stage 2, a request must be submitted to the school in writing *within 15 school days*. Otherwise the matter is considered closed, and will not be considered further. The letter must explain why the complainant is dissatisfied with the outcome of Stage 1.

Complaints must not be referred to individual governors. Where the first approach *is* made to a governor, the complainant should be referred to the appropriate person above and advised of the procedure. Governors must not act on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

STAGE TWO (formal):

2a) Concern/Complaint heard by Headteacher

If dissatisfied with the outcome at Stage One, the complainant should contact the Headteacher about the issue. (At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint.) The Headteacher will provide a response to the complainant (after discussions with relevant colleagues, if necessary).

The school will respond in writing ***within 15 school days***, with a summary of the complaint and a response.

If the complainant wishes to move to Stage 3, a request must be submitted to the school in writing ***within 15 school days***. Otherwise the matter is considered closed, and will not be considered further. The letter must explain why the complainant is dissatisfied with the outcome of Stage 2a.

If the complaint is about the Headteacher, the complainant should move to Stage 2b.

2b) Concern/Complaint heard by Chair of the Governing Body

If the complaint is about the Headteacher, the complainant should contact the Chair of the Governing Body about the issue. The Chair can be contacted by letter addressed to the school. The Chair of the Governing Body will discuss the concerns with the Headteacher and provide a response to the complainant.

Under Law, where the Chair of the Governing Body is absent, the Vice Chair (or a representative nominated by the full Governing Body) will assume the responsibilities outlined in this procedure.

The Chair will respond in writing ***within 15 school days***, with a summary of the complaint and a response.

If the complainant wishes to move to Stage 3, a request must be submitted to the Chair in writing ***within 15 school days***. Otherwise the matter is considered closed, and will not be considered further. The letter must explain why the complainant is dissatisfied with the outcome of Stage 2b.

STAGE THREE (review):

Complaint heard by the Governing Body's Complaints Panel

If dissatisfied with the outcome at Stage Two, the complainant may write to the Chair of the Governing Body about the complaint, and the Chair will convene the Governing Body's Complaints Panel to review the handling of the complaint at Stage 2 and to examine the decision reached. The complainant should explain why they are requesting a review, and why they consider the response they have received to be unsatisfactory.

The Governing Body will determine which governors sit on the Governing Body Complaints Panel. The membership of the Panel will not include the Chair as s/he will have considered the complaint under Stage 2. Staff governors and the Headteacher are also excluded, as are any governors who have a prior involvement in the case.

Individual complaints will not be heard by the whole governing body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint. It is not appropriate for the details of complaints to be shared widely amongst the Governing Body.

The Remit of the Complaints Panel

The governor chairing the Panel will acknowledge receipt of the complaint ***within five school days***.

The Panel will convene to examine the complaint ***within 15 school days*** of receipt of the complaint. The Complaints Panel is not convened to merely rubber-stamp previous decisions. It will investigate the complaint promptly and impartially.

If the matter is complex and requires more time to investigate, a letter may be sent to the complainant outlining the reasons for any delay and the subsequent timescale for the complaint. Every effort must be made to respond to complaints in a timely manner.

The Complaints Panel will decide on the method of investigation depending on the nature of the complaint. The Complaints Panel can:

- 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, policies or procedures to ensure that problems of a similar nature do not recur.

Panel members must not have a conflict of interest and must not have been involved in the matters under review.

Outcome of the Complaints Panel meeting

The complainant will receive a written explanation of the outcome and action taken ***within five school days*** of the Panel's meeting.

If the complainant is still dissatisfied, the final course of action is to write to the Secretary of State for Education.

Persistent Complainants Procedure

This section sets out detailed guidance on the processes for dealing with persistent complaints.

Purpose

- To identify complainants who are unreasonable or unreasonably persistent and/or prolific in pursuit of their complaint and manage their complaints appropriately.
- To ensure that all complainants are treated equitably and on an individual basis.
- To ensure that access to the complaints process as a mechanism for representation is not unlawfully barred.
- To ensure that individuals' needs are considered when deciding on a suitable approach to dealing with their complaints.
- To avoid perpetuating correspondence which is time consuming and not helpful to the complainant and/or other complainants and staff.

Applicability

This procedure shall apply to all employees of West Berkshire District Council, including elected members, contract, agency and other temporary staff, volunteers and employees of partner organisations working with West Berkshire Council, with the exception of schools staff, and it is the responsibility of managers to ensure that these groups are made aware of this procedure.

Schools are excluded from this Procedure and some functions within Social Care services may be different from those outlined here. If you work in these services and are in any doubt then please contact your Complaints Officer (see below).

Roles and Responsibilities

The Chair of Governors has overall responsibility for ensuring that unreasonable and unreasonably persistent complainants are managed appropriately in accordance with these agreed standards.

The Governing Body is responsible for reviewing and ratifying this procedure on an annual basis and ensuring that there is effective consultation and communication on complaints.

The Headteacher is responsible for the day-to-day management of complaints including ensuring implementation of this procedure.

All staff and governors are responsible for familiarising themselves with, and ensuring that they comply with, this procedure.

Defining Unreasonable Complainant Behaviour

Unreasonable and unreasonably persistent complainants may have justified complaints or grievances but be pursuing them in inappropriate ways, or they may be intent on pursuing complaints which appear to have no substance, or which have already been investigated and determined. Their contacts with the Council may be amicable but still place very heavy demands on staff time, or they may be very emotionally charged and distressing for all involved.

However, raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as an unreasonably persistent complainant.

Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to

challenge it once, or more than once, should not necessarily cause him or her to be labeled unreasonably persistent. Responding to reasonable expressions of dissatisfaction and requests for information should not cause staff particular problems.

Behaviour which may lead to a complaint being considered as unreasonable may include some of the issues listed below.

- Refusing to accept that issues are not within the scope of the procedure, or insisting complaints are dealt with in ways not compatible with the complaints procedure or good practice.
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Making apparently groundless complaints against staff dealing with the complaint and/or asking that they be replaced, or escalating a complaint to the headteacher or Governing Body after receipt of a response with which they disagree.
- Pursuing a complaint or complaints with the school, and either contacting different staff about the same or similar issues, or contacting other organizations or individuals such as a Member of Parliament/a Councillor/the Local Authority.
- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being investigated, by for example excessive telephoning or sending emails to numerous staff, writing lengthy complex letters every few days and expecting immediate responses.
- Submitting repeat complaints, after the complaints process has been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure.
- Despite all correspondence, explanations and meetings to resolve the case, refusing to accept the school/Governing Body or the **Secretary of State's** decision, and repeatedly arguing the point or complaining about the decision.

Resolving Unreasonable Complainant Behaviour

The Chair of the Governing Body, in consultation with the Headteacher, will determine the point at which a complaint is considered as prolific and/or persistent, following the criteria identified above.

The Headteacher will ensure each complaint is thoroughly assessed to ensure no items are overlooked and all issues raised have been previously addressed, where necessary in consultation with the Chair of the Governing Body.

Once the Chair of the Governing Body and the Headteacher have jointly agreed that the complainant's correspondence fulfils the profile for persistent or prolific complaints, an action plan will be drawn up for future management, and a review date will be set. This will be led by the Headteacher, with input from all relevant staff.

The draft action plan will be considered by the Governing Body, or a Panel of at least three members of the Governing Body convened for this purpose.

A letter will be drafted to the complainant setting out the key elements of the proposed future management of representations, and this will be signed and sent by the Chair of the Governing Body.

A copy of the above letter and action plan will be retained on file, and all relevant staff and governors likely to receive contacts will be notified of any actions they are required to take in the future – such as logging calls, not discussing the case, etc.

The action plan will be reviewed within the determined time scale, and at least at six monthly intervals.

Action Plan

Options available for selection to include in an action plan include:

Explanation: Make clear to a complainant the ways in which his/her behaviour is unreasonable, and the likely consequences of refusal to amend it, before taking more formal action. Liaise with all staff and Governors involved to reach an appropriate and coordinated decision. This is good practice and should be done in all cases where overlapping correspondence has been sent to a number of people.

Coordination: designate a key person as the single point of contact for the complainant to provide an arena to raise concerns direct and to receive all issues in the future (or all issues around this particular complaint). Advise the complainant of their role and contact details. All future representations and communications from the complainant regarding their issues subject to complaint will be fed through this one person to ensure all responses are coordinated and providing the same clear answers.

Record keeping: Where complainants are abusive or threaten staff, a formal written record shall be kept by all staff of all contacts made by the complainant, making careful record of any abusive behaviour or threats – preferably recording actual words used where possible. The Headteacher should keep a file of all these record sheets as evidence of the complainant's behaviour as this may be required for legal purposes at a later date.

Correspondence: Ensure that issues raised are quickly passed on to the appropriate staff member to ensure speedy resolution and a quick and firm response. See Appendix 1 for some suggested standard letters.

If the amount of correspondence is particularly large, the school may decide to collate all representations together, and acknowledge these and respond to these on an agreed regular basis – perhaps weekly or fortnightly – the time-scale in each case to be determined, recorded on the action plan, and adhered to and the complainant being advised of this approach.

The school may also wish to consider whether to omit from correspondence with the complainant a note of other staff or Governors the letter is copied to. Listing those copied in has been known to escalate the circle of contact and circulation used by the complainant.

In very exceptional circumstances the school may decide to decline to respond to further representations from the complainant on old issues. If this is the case then the complainant must be advised of this, with reasons. This advice should include an indication that all correspondence will be read, and information passed on if relevant, but that no response will be provided in future. If this strategy is adopted care must be taken to scrutinise all future representations from the complainant to identify new issues that do need to be followed up formally with the complainant or be accepted into the complaints procedure, and this should always be done with the involvement of the Headteacher and the designated person. The complainant should be made aware that this will be done.

Staffing: Ensure all staff involved are aware of the action plan for managing the complainant's issues.

- Where required, the management of the complainant and case to date will be scrutinised by the Headteacher to identify any staff training issues which need to be addressed – and this will be progressed.
- Where required, the case may be included as a specific item for routine inclusion in the supervision sessions of involved staff.
- Where required, the Headteacher will consider all staff dealing with the complainant, on an individual basis, to identify any person who may need support to alleviate or minimise their own stress or anxiety – and that this support will be provided.
- Where required, schools may consider whether local Parish Councillors, Ward Councillors/Members or MPs may also be subject to persistent correspondence. Where appropriate they should be engaged in the management process by the school so that they understand how the complainant's issues are being addressed, and who to contact about correspondence.

Managing Behavioural Issues: The Headteacher and the Governing Body has a duty of care to all staff to ensure that they are safe from abuse or intimidation.

If the complainant's behaviour is abusive or provocative, the Headteacher and Chair of Governors may *jointly* determine that only written representation will be acceptable, explaining why, and also explaining who to address any written representation to. Where this is not possible arrangements should be made for a named member of staff to take detail of complaints. Other specified single routes for representation may be determined, such as e-mail or calls to an answer phone during certain times, etc.

If the complainant presents himself/herself regularly at the school and behaves inappropriately, the above advice may be instigated to prevent face-to-face confrontation.

If the complainant behaves in a particularly aggressive or confrontational manner the Chair of the Governing Body will consider banning the complainant from the school site for a fixed period of time, subject to review.

Managing Representation on Behalf of Others: If the person making representation is purporting to do so on behalf of another person and this individual proves unwilling to have the representation progressed by the third party - the person making representation is barred from the process. Staff must ensure that the client is able to access the complaints procedure for himself/herself should they so wish, including advising them that an advocate could be found to support/assist any complaint should this be necessary. Staff should also make a full record of any discussions.

Further information

Copies of the leaflets 'A Guide to help you...' 'Your Right to a review' and the Local Government Ombudsman's leaflet, and the staff guide 'Corporate Complaints:

Guidance for Staff' are available from the Information Management Officer, Scrutiny & Partnerships. www.westberks.gov.uk/complaints

The Protection of Staff Policy can be accessed here:

<http://www.westberks.gov.uk/CHttpHandler.ashx?id=30737>

Guidance on Managing Violence and Aggression against Staff can be found here:

<http://www.westberks.gov.uk/CHttpHandler.ashx?id=30738>

Support from the Local Authority

For enquiries relating to this procedure, the school is advised to seek advice from:

Susan Ellis, Information Management Officer

Scrutiny & Partnership

Strategic Support

Tel 01635 519747 Email: Susan.Ellis@westberks.gov.uk

If there are any legal or statutory issues the Governing Body is advised to involve Legal Services to ensure that all duties and responsibilities have been fulfilled, and that all relevant decisions made are well founded and robust.

Referral letter – named person:

Dear XXXXX,

You have recently written/mailed/phoned the school on a number of occasions in respect of *details of complaint/complaints*. Staff have complained that your manner is offensive and that although they have provided resolutions as far as possible to your complaint/s you have continued to raise these issues.

I would now ask that all complaints are made, in writing, to *named person*. This will ensure that we are managing any new issues, and will allow us to review how we have handled past issues and ensure these have been appropriately managed. Any correspondence to other staff will be passed to *named person* for a response. When we have confirmed that we have answered an issue appropriately, and if necessary progressed it through Stage 1 and Stage 2 of our complaints process we will consider the matter closed, although this will not affect your right to go to the **Secretary of State**, whose details I have supplied.

Yours sincerely

Acknowledgement V1:

Dear XXXXX,

Thank you for your letter/email of *date*, received *date*. You have asked for a review of *description of previous complaint* **or** you have asked the school to re-consider your complaint regarding *description of ongoing complaint*.

The school has carried out a thorough investigation of your complaint/s at Stage 1 and Stage 2 of our complaints process, and has found no maladministration in how the application was processed. *In addition you have referred the matter to the **Secretary of State** who has made a determination on the case which supports our findings.* I recognise that you disagree with these findings but I would advise you that we now consider the matter closed.

Unless your correspondence raises new issues, we will in future acknowledge, but not respond, to further correspondence on this matter.

Yours sincerely

Acknowledgement V2:

Dear XXXXX,

Thank you for your letter/email of *date*, received *date*. I note this raises what you consider to be new issues around *description of ongoing complaint*. However, on review this appears to be matters already dealt with at Stage 1 and Stage 2 of our complaints process, and I would advise you that we now consider this matter closed.

Yours sincerely

Acknowledgement V3:

Dear XXXXX,

Thank you for your letter/email of *date*, received *date* regarding *description of ongoing complaint*. As we have advised, we now consider this matter closed and will not respond further unless your correspondence raises new issues.

Yours sincerely

Acknowledgement V4:

Dear XXXXX,

Thank you for your letter/email of *date*, received *date* regarding *description of ongoing complaint*. I note that you have raised *itemise any specific issue* and we will pass this information to *named person* to resolve. The remainder of your letter deals with old issues, and as advised we now consider this matter closed.

Yours sincerely