

St Mark's CE Primary School

Ramslye Road
Tunbridge Wells
TN4 8LN



COMPLAINTS POLICY

Headteacher: Robin Dungate
Chair of Governors: Karen Stevenson

Created: October 2012

Reviewed and Updated by the Resources Committee: June 2015

Ratified:

Review date: June 2017

Signed by Chair of Governors

Date

1 General Principles and scope of policy

1.1 Since 1 September 2003 governing bodies of all maintained schools in England have been required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides. This does not limit complainants to parents or carers of pupils registered at a school. A complainant could be a member of the wider community or representing an ex-pupil. The law also requires the procedure to be publicised.

1.2 We believe that St Mark's provides a good education for all our children, and that the Headteacher and other staff work very hard to build positive relationships with all parents. However the school is obliged to have procedures in place aimed at dealing with complaints from parents, carers and members of the public.

1.3 There are some matters that are not within the remit of this policy, either because a more specific complaint process exists or because the matter is not within the control of the school or its Governing Body. Such matters include

- Complaints about Admissions or Exclusions for which separate appeal processes exist
- Complaints about the actions of another parent or member of the public which are not within the school's control
- Concerns that a child is being abused or is at risk of abuse which should be referred to the Designated Child Protection Coordinator, under the Child Protection Policy
- Complaints about the services provided by a person or organisation using St Mark's CE Primary School premises which should be dealt with by that person or organisation under their own complaint policy.
- Complaints regarding the procedure adopted by the school relating to a delay in or failure to issue a Statement of Special Educational Need or, from September 2014, an Education Health and Care Plan, to implement the Statement/EHCP or conduct an annual review, which should be referred to the Local Government Ombudsman
- Complaints regarding the delay or failure to issue or the content of a Statement of Special Educational Need or, from September 2014, an Education Health and Care Plan, to implement the Statement/EHCP or conduct an annual review (where there is a right of appeal granted in law) which should be referred to the First Tier Tribunal (Special Educational Needs and Disability)(SEND).
- Complaints about changes to the school under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 or (Establishment and Discontinuance of Schools) Regulations 2013 which are subject to public consultation and review by the Schools Adjudicator

1.4 It is important that complaints are raised as quickly as possible after an incident occurs or comes to light. If not, it may mean that the school is not able to investigate the complaint adequately. Young pupils especially may not be reliable witnesses if not questioned soon after the event. In general, any matter raised more than 1 month after the event being complained of will not be considered. However, in exceptional circumstances where a good reason can be provided, eg an incident only came to light after this period, consideration may still be given. It should be noted that if a complaint is raised after a child leaves St Mark's CE Primary School, the school will have no written records to refer to because a pupil's educational file is transferred to their new school. This may mean that there is no possibility of resolving the complaint.

1.5 We will endeavour to consider and resolve complaints as quickly and efficiently as possible and this policy explains the timeframes that we will work towards. However, where further investigations are necessary eg for a criminal or disciplinary investigation, delays may be unavoidable and new time limits can be set. The complainant will be sent details of the new deadlines and an explanation for the delay.

1.6 We recognise that both raising and responding to concerns and complaints can be stressful. We will therefore allow complainants to be accompanied by a relative or friend at all stages of the process. Staff may be accompanied by a colleague or a union representative.

1.7 The school takes a staged response to concerns and complaints. These stages are

Informal review of concern

Formal Stage 1: School review of complaint

Formal Stage 2: Governor review of complaint

Formal Stage 3: External review of complaint

2 Informal review of concern

2.1 Despite the school's best intentions, there may be occasions when problems arise or further clarification is required. In most cases these concerns can quickly be resolved by discussing the issue with the relevant class teacher, either in person, by telephone or in writing. A parent may also wish to discuss a concern informally first, to help them decide whether to take the matter further. Members of staff are expected to respond to concerns promptly, usually within 3 school working days, and they should advise the parent if it is not possible to respond within 5 school working days.

2.2 Members of staff are not expected to keep written records of the many questions and concerns raised by parents, however, if it becomes clear that a parent wishes to proceed with a formal complaint it is recommended that they do so, perhaps using the Note of Concern form at Appendix C.

2.3 On occasion parents may want to raise their concerns with someone other than the class teacher. This could be because the concern is about the teacher; it could be because the problem has wider implications than can be managed by a class teacher; or it could be because the teacher has not been able to sort out the problem previously. If this is the case then parents can raise their concerns with members of the school management. Details of who to approach and how can be found in the chart at Appendix A. While still considered part of the informal stage, it would be expected that staff would record details of the concern, the result of any investigation they undertake and any action agreed in order to resolve the problem using the Note of Concern form (Appendix C).

2.4 If the member of staff first contacted feels they cannot deal with the matter, s/he should make a clear note of the date, name and contact address or phone number and refer it to the person with responsibility for the particular issue raised by the parent.

2.5 The member of staff dealing with the concern should make sure that they understand the concern and they may then be able to resolve the matter by explaining the situation or providing reassurance. They should explain what action (if any) or monitoring of the situation has been agreed, putting it in writing if appropriate.

2.6 Members of the public who wish to raise a concern should contact the headteacher by writing to the school, emailing office@st-marks.kent.sch.uk marking it for the attention of the headteacher or by telephoning the school office to make an appointment to see the headteacher.

2.7 Concerns about the actions of the Headteacher personally may be discussed informally with the chair of governors, who may be contacted in writing via the school office or by emailing office@st-marks.kent.sch.uk

2.8 Most issues are sorted out informally and we would recommend that you try this approach first. However, if you feel that there is nothing to be gained and you wish to make a formal complaint you have the right to go straight to stage 1 of the formal complaints procedure.

3. **Stage 1: Formal complaint review by the school**

3.1 If it has not been possible to arrive at an informal resolution to the concern or if the complainant has chosen to raise their complaint formally in the first instance, a formal complaint should be submitted to the Headteacher using the complaint form at Appendix B. You should include details which may assist in the investigation on the complaint form, such as names of potential witnesses, dates and times of events and copies of relevant documents. If you require help to complete the complaint form, please contact the school office.

3.2 Completion of the complaint form allows those considering the complaint to understand the nature of the complaint fully and also what response is wanted by the complainant. This might be

- 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 account of the steps that have been taken to mitigate against it happening again
- an undertaking to review school policies in light of the complaint.

3.3 If the formal complaint is about the conduct of the Headteacher, the procedures set down in this stage will be followed by the Chair of Governors. Advice will be sought from the Local Authority and an investigation officer may be appointed.

3.4 The Chair of Governors will also take responsibility for reviewing any formal complaints received in respect of individual governors.

3.5 If the formal complaint is about the Chair of Governors or the conduct of the Governing Body it should be addressed to the Clerk to the Governing Body via the school office. The Clerk will take advice from the Local Authority as to an appropriate person to review the complaint.

3.6 *If a parent feels that independent mediation might be helpful in resolving their complaint, the school will make every effort to arrange this and to cooperate with this process.*

3.7 The Headteacher (or designated person) should acknowledge the complaint in writing within three school working days of receiving the written complaint. The acknowledgement will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This should normally be within ten school working days. If this proves impossible, a letter should be sent explaining the reason for the delay and giving a revised target date. This should be within a maximum of 20 school working days unless it is a particularly complex issue.

3.8 The Headteacher may provide an opportunity for the complainant to meet them to supplement any information provided previously or to investigate the complaint further. It should be made clear to the complainant that they may be accompanied to any meeting by a friend, relative, representative or advocate who can speak on their behalf or to provide support.

3.9 If necessary the Headteacher will interview other parties and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed unless this is judged not to be in the interests of the pupil's welfare. Pupils should normally be interviewed with parents/guardians present, but if this would seriously delay the investigation of a serious/urgent complaint or if the pupil has specifically said that s/he would prefer that parents/guardians were not involved, another member of staff with whom the pupil feels comfortable should be present. If a member of staff is complained against, they must have the opportunity to present their case.

3.10 The Headteacher will keep written records of meetings, telephone conversations and other documentation.

3.11 Once all the relevant facts have been established as far as possible, the Headteacher will then produce a written response to the complainant, including a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. The complainant will be advised that if they wish to take the complaint further they must

notify the Chair of Governors within 20 school working days of receiving the letter using the Complaint Review Request Form (Appendix D).

4. **Stage 2: Formal complaint review by the Governing Body**

4.1 In the rare case where an issue is still unresolved, complaints may be reviewed again by a Complaints Panel of 3 governors. The Complaint Review Request Form (see Appendix D) should be completed and returned to the Chair of Governors c/o the school office or by email to office@st-marks.kent.sch.uk. *A complaints panel, including the panel chair, will be established at the first full governors' meeting each year, together with a pool of reserves.* To ensure the independence of the review by the panel, it is important that governors with prior knowledge of the issue(s) complained about are excluded from it. Reserve governors from the pool will be called on to replace governors on the panel who have any such prior knowledge. St Mark's CE primary School has agreed that if there are insufficient governors available on the panel or from the reserve pool to enable the hearing to take place within a reasonable time, any governor serving on the governing body of a school in the Tunbridge Wells Primary School Collaborative Trust may be asked to join the panel.

4.2 A stage 2 review will not be started until the stage 1 review has been completed.

4.3 The Chair of the Governing Body will write to the complainant to acknowledge receipt of the written request for the governing body to review the complaint. The acknowledgement will inform the complainant that three members of the school's governing body will hear the complaint within 20 school working days of receiving the complaint. The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three members.

4.4 A meeting of the Governors' Complaints Panel will be convened. The Headteacher will not sit on the Panel. An experienced governor will chair the panel meeting. The Chair of the panel will ensure the Panel hears the complaint within twenty school working days of receiving the Complaint Review Form. All relevant correspondence relating to the complaint will be given to each Panel member as soon as possible. If the correspondence is extensive, the Chair may prepare a thorough summary for sending to Panel members.

4.5 The Chair or Clerk will write and inform the complainant, Headteacher, any relevant witnesses and members of the Panel at least five school working days in advance of the date, time and place of the meeting. The notification will also inform the complainant of their right to be accompanied to the meeting by a friend/advocate/interpreter and explain how the meeting will be conducted.

4.6 The Headteacher will be invited to attend the Panel meeting and will be asked to prepare a written report for the Panel in response to the complaint. All attendees including the complainant should receive a set of the relevant documents including the Headteacher's report and the agenda, at least five school working days prior to the meeting.

4.7 Submission of additional documents or requests for additional attendees made after this time (ie within 5 school working days of the Panel meeting) will be at the discretion of the Chair of the panel.

4.8 Every attempt will be made to keep the panel hearing as informal as possible. Witnessess will only attend for the part of the hearing in which they give evidence. At the panel hearing:

- The Chair of the Panel will ensure that everyone present is introduced.
- The complainant will have the opportunity to present their complaint, including calling their witnesses.
- The Headteacher may question both the complainant and their witnesses after each has spoken.
- The Headteacher will explain the school's position and call any witnesses for the school.
- The complainant will have the opportunity to ask questions of the Headteacher and witnesses.

- Panel members may ask questions of the complainant, the Headteacher and the witnesses at any time.
- A short recess may be given at this point so that the complainant and Headteacher may gather their thoughts.
- The Headteacher will be given the opportunity to make a final statement to the panel.
- The complainant will be given the opportunity to make a final statement to the panel.
- The chair will ask the complainant if he or she feels they have had a fair hearing.

The Chair of the Panel has responsibility to ensure that the meeting is properly minuted.

4.9 The Chair of the Panel will explain to the complainant and Headteacher that the Panel will consider its decision and that a written decision will be sent to both parties within 15 school working days. The complainant, Headteacher, other members of staff and witnesses will then leave.

4.10 The Panel will then consider the complaint and all the evidence presented and

- Agree a decision on the complaint;
- Decide upon the appropriate action to be taken to resolve the complaint; and
- Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

4.11 A written statement clearly setting out the decision of the Panel must be sent to the complainant and Headteacher. The letter to the complainant should also advise how to take the complaint further.

4.12 All complaints will be kept confidential wherever possible. All record of the Governing Body panel hearing will be held securely by the Clerk to the Governing Body. These records are not included in any pupil's Educational File and will be retained by the Governing Body for a reasonable time to enable the decision to be audited and reviewed and then destroyed.

4.13 All complaints that reach this stage will be logged and reviewed annually by the GB. Any relevant information arising from the review will be shared with the school senior leadership team with a view to improving policies and procedures.

5. **Stage 3: Formal complaint external review**

5.1 The Chair of the Panel will ensure that when the complainant is notified of the panel's decision, in writing, with the panel's response (including the reasons for the decision) the letter also explains any further rights of appeal.

5.2 The final stage of appeal is to the Secretary of State for Education. Complainants should write to The School Complaints Unit (SCU) at:

Department for Education

2nd Floor, Piccadilly Gate

Manchester

M1 2WD

5.3 The School Complaints Unit (SCU) will consider whether the school complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of the school.

5.4 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.

5.5 If the complaint relates to a 'whole school' issue it may also be possible to complain to Ofsted. Please see *Complaints to Ofsted about schools: guidance for parents and carers*, which is available from the www.gov.uk website.

6. **Vexatious, abusive and unreasonably persistent complaints**

6.1 It is unacceptable for complainants to subject any members of staff or governors to abusive, offensive or threatening language or behaviour. St Mark's CE Primary School expects anyone who wishes to raise a concern to treat members of staff and governors with respect, and to follow the school's complaints procedure.

6.2 We define vexatious and persistent complaints as those which, because of the frequency or nature of the contacts with the school or governing body, hinder the efficient leadership and management of the school. Features of an unreasonably persistent and/or vexatious complaint are described in Appendix E, although the list is not exhaustive, nor does one single feature on its own necessarily imply that the complaint will be considered as being in this category.

6.3 In cases of vexatious or unreasonably persistent complaints, the school may, after consultation with the local authority, decide to impose restrictions. These will be tailored to the individual complainant but may include

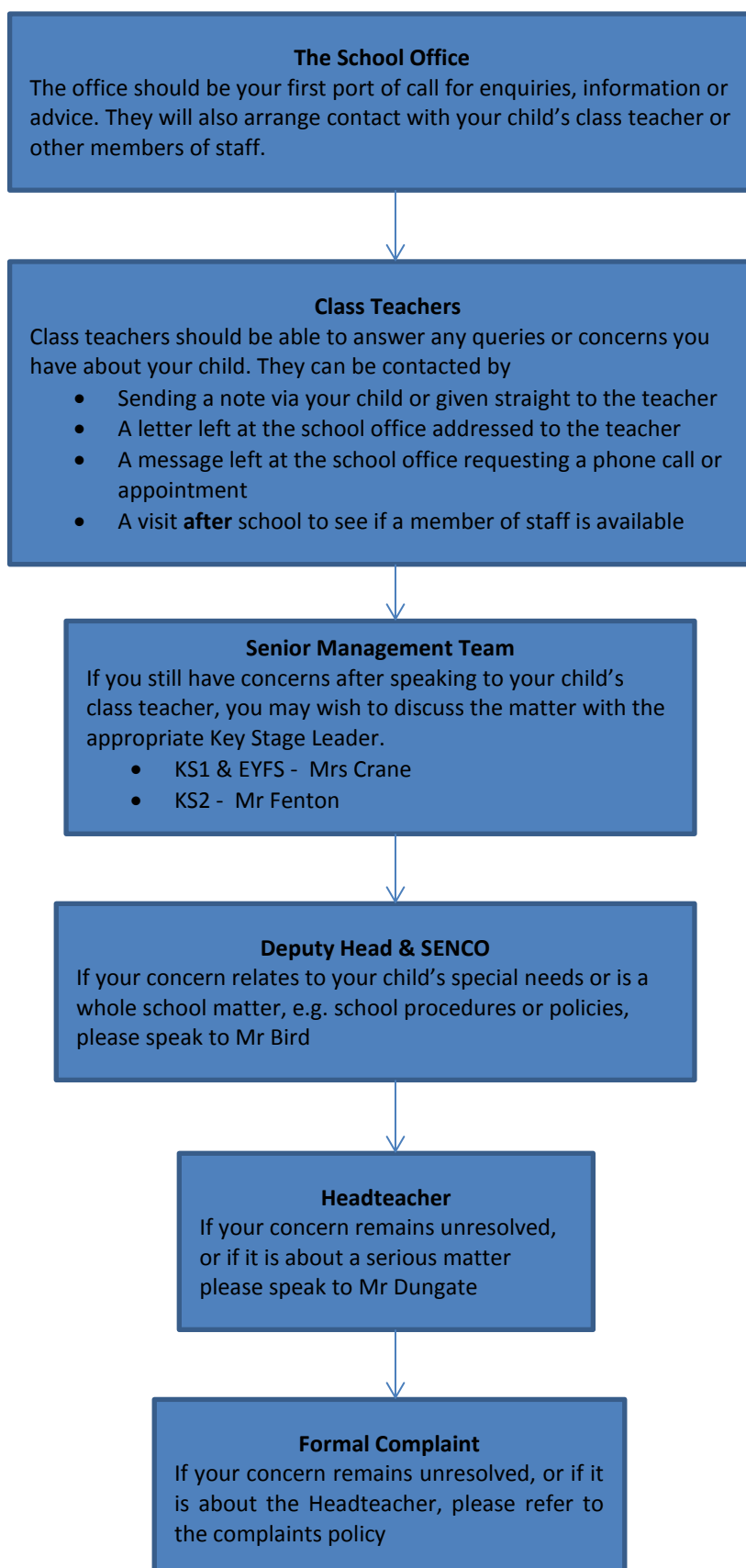
- Informing the complainant that his/her behaviour is now considered to be unreasonable or unacceptable and request a changed approach.
- Requiring all meetings with a member of staff to be conducted with a second person present. In the interests of all parties notes of these meetings may be taken.
- Informing the complainant that, except in emergencies, the school will only respond to written communications and that these may be required to be channelled through the local authority.
- Banning or restricting the complainant from being on school premises

6.4 In the case of abuse or harassment including any form of verbal or physical aggression the school may call the police and take appropriate legal action.

6.5 If the complainant fails to comply with the restrictions and it is clear that the relationship with the school has irretrievably broken down, the school may, as a last resort, seek a managed move of the complainant's child(ren) to another local school.

6.6 Should the complainant raise an entirely new, separate complaint, it will be considered in line with this policy on its own merits. However, the school will consider the apparent motives for raising the complaint to establish whether the complainant is being vexatious or unreasonably persistent.

Queries and concerns – who should you go to?



Appendix B



St Mark's CE Primary School Complaint Form

Please complete and return to the school office who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name (if relevant):

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give concise details of your complaint, including dates, times, names of witnesses etc, to allow the matter to be fully investigated.

You may continue on separate paper or attach additional documents if you wish.

What action, if any, have you already taken to try and resolve your complaint.

(Who did you speak to and what was the response)?

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

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:



St Mark's CE Primary School – Note of Concern

Teacher's name/Class:	
Parent/Carer:	
Pupil's Name:	
Date of Meeting:	
Others in attendance:	
Nature of concern	
Details of Discussion	
Next steps agreed	
Outcome (circle): Concern resolved Concern on-going Formal complaint raised	
Signed (staff member)	Signed (parent)
Date	Date

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Appendix D



St Mark's CE Primary School
Complaint Review Request Form

Please complete and return to the headteacher or clerk to the governing body who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name (if relevant):

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

I submitted a formal complaint to the school on(date)

and am dissatisfied with the procedure that has been followed.

My complaint was submitted to and I received a response from
..... on(date)

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 copies of relevant documents if you wish.

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

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

Appendix E

Examples of complaint and complainant behaviours which may be considered vexatious or unreasonably persistent

An unreasonably persistent and/or vexatious complainant may:

- have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious)
- refuse to specify the grounds of a complaint despite requests to do so
- refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure
- refuse to accept that issues are not within the power of the school to investigate, change or influence (an example could be a complaint about members of the public parking near the school)
- insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint)
- make what appear to be groundless complaints about the staff dealing with the complaints, and seek to have them dismissed or replaced
- make an unreasonable number of contacts with the school or governing body, by any means, in relation to a specific complaint or complaints
- make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails)
- harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint, by use of inappropriate, offensive or racist language
- raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on
- change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- deny statements he or she made at an earlier stage in the complaint process
- electronically record meetings and conversations without the prior knowledge and consent of the other person involved
- adopt an excessively 'scattergun' approach, for instance, pursuing a complaint or complaints not only with the school, but at the same time with a Member of Parliament, the Local Government Ombudsman and Secretary of State
- refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
- make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- make complaints in public or via a social networking site

