

Hall Orchard Barrow CE Primary (Academy)

School Complaints Policy

Status: Statutory
Date adopted by governing body:
January 2020 - Spring 2023

Policy for Hearing and Dealing with Complaints

This school is committed to working in close partnership with all members of the school community. The school places great value on the role which parents and carers can play in supporting children's learning. Staff and governors actively encourage a positive relationship between the school and the families of children who attend the school.

If, at any time, a member of the public or the school community has a concern about an aspect of life at the school, the concern will be dealt with by the school as quickly, sympathetically and effectively as possible. It is hoped that most concerns will be settled amicably at this stage.

However, if there is a continuing concern, this can be directed through the formal stages as outlined in the school's complaints procedure, detailed on the following pages.

School Complaints Procedure

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To this end all staff and governors are aware of the procedure to be followed if a complaint is raised. Also, whilst not wishing to encourage complaints, complainants should note that they have a duty to raise a matter as soon as conveniently possible. It can then be investigated more effectively whilst information is fresh in the minds of all parties.

The school operates a 4 stage complaints procedure. If the complaint concerns the conduct of the Headteacher, or individual governor, it will be dealt with in accordance with Stage 3.

Stage 1: Complaint heard by staff member

In the first instance, it is hoped that the complainant will be able to resolve the issue with the member of staff concerned.

The school will respect the views of a complainant who indicates that he/she would have difficulty discussing the complaint with a particular member of staff. In these cases, the complainant should refer the complaint to the Headteacher, who may refer it to another member of staff.

Similarly, if the member of staff directly involved feels too compromised to deal with the complaint, the complaint may be referred to another member of staff via the Headteacher. The member of staff will consider the complaint objectively and impartially.

If the first approach is made to a governor, they will refer the issue and the complainant to the appropriate person and advise the complainant of the procedure. Governors will not act unilaterally 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 process.

Stage 2: Complaint heard by the Headteacher

The complainant may be dissatisfied with the way the complaint was handled at Stage 1, and/or wish to pursue their initial complaint. If so, the complainant should submit the complaint in writing, to the Headteacher, within 10 school days of Stage 1 being concluded. A copy of the complaint form is attached to this procedure.

The Headteacher may delegate the task of collating information concerning the complaint to another staff member, but not the decision, nor the action to be taken. Receipt of the complaint will be acknowledged by the school, shortly after the complaint is received, but a full response may take some time if the matter needs to be investigated. The Headteacher will contact or arrange to meet with the complainant, hear the complaint, investigate and make every effort to resolve the issue. Subsequent to this contact/meeting the headteacher will write to the complainant summarising the outcome reached and the process for appeal.

Stage 3: Complaint heard by the Chair of Governors

If the complaint cannot be resolved at Stage 2 the complainant may take their complaint to the Chair of Governors.

The complainant will need to write to the Chair of Governors, care of the school, within 10 school days of the date of the letter from the headteacher and where relevant, notifying them of the outcome of Stage 2. The complainant should provide a copy of the written complaint, a copy of the Headteacher's letter concluding Stage 2 and give details in writing of why they are not satisfied with the outcome.

The chair will contact and/or meet with the complainant, hear the complaint, investigate and make every effort to resolve the issue, having also met with/spoken to the Headteacher. The chair will write to the complainant at the conclusion of his/her investigation with the outcome reached and the process for appeal. The complaint will move on to Stage 4 if the complainant remains dissatisfied by the outcome.

Stage 4: Complaint heard by the governing body Complaints Appeal Panel

The complainant needs to write to the chair of governors within 10 school days of the date of the letter notifying them of the outcome of Stage 3, notifying that they wish their complaint to be heard by the complaints appeal panel. The chair, or a nominated governor, will appoint and convene a governing body complaints appeal panel.

The governors' appeal panel hearing is the last school based stage of the complaints process and is not convened to merely rubber stamp previous decisions. 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.

The Chair will appoint 2 governors to have delegated powers to hear the complaint at this stage. These governors must have no previous knowledge of the complaint. The complaints panel will also contain a governor from Humphrey Perkins Academy, who is independent of the management and running of Hall Orchard academy. The panel will choose their own chair.

The remit of the Complaints Appeal Panel is to:

- 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 complainant will be notified in writing of the panel's decision, usually within 5 days. The letter will confirm the end of the school's and governing body's involvement with the complaint and explain any further rights of appeal. The complainant should be advised that the local authority has no role unless the complaint relates to a service provided by the local authority.

The Complaint Appeals Panel process is outlined in detail in **Appendix 2**.

Confidentiality

It is extremely important that when an allegation is made, the school (and the complainant) makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

The Education Act 2011 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school or college (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State or The General Teaching Council publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions also cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so. The provisions commenced on 1 October 2012.

The legislation imposing restrictions makes clear that "publication" of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited.

"Publication" includes "any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public".

Important: This means that a parent who, for example, published details of an incident or allegation on a social networking site is often in breach of the legal reporting restrictions (if what was published could lead to the identification of the teacher by members of the public), and could be liable to prosecution. Fines of up to £5,000 can be imposed.

As well as our duty to safeguard and to promote the best interests of the pupils, we have a duty to protect the reputation of the school and the staff. We cannot tolerate the misuse of social media for dealing with school matters. If such an incident recurs, the governing body will have to consider (with reluctance) legal action against the person or persons concerned.

We would like to remind everyone that the school does operate an 'open door' policy which encourages parents to raise any issues they may have at any time with school staff. If a parent or member of the public has a concern about *anything* that happens at school, then the proper process is to raise those concerns directly with the school – the class teacher, senior leader or the headteacher – in line with the school's Complaints Policy.

Serial and Persistent Complainants to Include Malicious Complaints

Hall Orchard CE Primary School is conscious that incidents of serial and persistent complaints or/and malicious complaints occur.

Hall Orchard CE Primary School will always be helpful to people who contact the school with a complaint or concern or a request for information. However, in cases where we are contacted repeatedly by an individual making the same points, or who asks us to reconsider their position, we will need to act appropriately.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important therefore that we recognise when we have done everything we can in response to a complaint. It is a poor use of our time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can and may inform them that the procedure has been completed and that the matter is now closed.

In the event that an allegation is shown to have been deliberately invented or malicious, the Head Teacher should consider whether any disciplinary action is appropriate against the pupil who made it, or the police should be asked to consider whether any action might be appropriate against the person responsible, even if he or she was not a pupil/attendee.

Ultimately, if a complainant persists to the point that the school considers it to constitute harassment, legal advice may be sought as to the next steps. This could result in injunctions and other court orders including fines being imposed for malicious complaints.

Procedure for Unreasonable Complainants

Hall Orchard CE Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Hall Orchard CE Primary School defines unreasonable complainants as

'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'

A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously
- aggressively
- using threats, intimidation or violence
- using abusive, offensive or discriminatory language
- knowing it to be false
- using falsified information
- publishing unacceptable information in a variety of media such as in social media websites and newspapers

Hall Orchard CE Primary School asks complainants to limit the numbers of communications with school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, Hall Orchard School can ask him/her to leave school premises. In serious cases they will be notified 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.

Violent Behaviour

It is important for complainants to know that Hall Orchard CE Primary School take the protections of its employees, children, and visitors seriously.

In response to any (serious) incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed.

If an investigation discovers that the behaviour reported was violent or aggressive the school in consultation with the police will enforce any advised outcome. This may include banning an individual from Hall Orchard CE Primary School premises.

Note: Violent behaviour includes inappropriate or offensive language, threatening action by language or act, and any type of physical assault



Appendix 1: Complaint Form for Hall Orchard CE Primary School

Date: / / Day:

Complainant's Name:			
Pupil's Name:			
Complainant's Relationship to pupil:			
Address of Complainant:			
		Post Code:	
Daytime Tel:		Mobile:	
E-mail:			
Are you attaching any paperwork? If so, please give details.			
Please give details of your complaint			
What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to, when and what was the response?):			
What actions do you feel might resolve the problem at this stage?			

Signed: Date:

Official Use:

Date acknowledgement sent: By who:

Complaint referred to: Date:

APPENDIX 2

Stage 4: Complaints Appeal Panel (CAP) Process

CONVENING THE PANEL

- The Chair of Governors should appoint a panel and convene a hearing as soon as is practicable after a request is received from the complainant.
- The panel should consist of two governors from Hall Orchard School and an independent member from Humphrey Perkins Governing Board (with whom there is a reciprocal arrangement)
- The Clerk/Chair of Governors should write to all parties to confirm the date of the hearing and to explain how the review will be conducted. The letter should be copied to the Headteacher.
- The complainant and Headteacher (or school representative), and where relevant, the Chair of Governors should be invited to attend the meeting.
- The date and time of the meeting should be convenient to the complainant, Chair of Governors and Headteacher, within reason.
- The notification should inform the complainant of his/her right to be accompanied to the meeting by a friend/representative. It should also explain how the meeting will be conducted and of the complainant's right to submit further written evidence to the panel
- The CAP should consider the complaint on the basis of the written evidence and set up a hearing to hear all parties. The CAP should reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.
- All relevant correspondence regarding the complaint should be circulated to the CAP, the complainant and the Headteacher in advance of the meeting (where possible, 7 days)
- If the Headteacher, Chair of Governors and/or the complainant wish to call witnesses, the agreement of the CAP should be obtained in advance of the meeting.

CONDUCTING THE HEARING

- The panel should appoint a Chair. It is the responsibility of the Chair of the CAP to ensure that the hearing/review is properly conducted. However, the proceedings should be as informal as possible.
- The aim of the review should be to resolve the complaint and achieve reconciliation between the school and the complainant as far as is reasonable. However, at the end of the meeting the CAP will need to issue a finding in writing either upholding or not upholding the complaint or upholding some parts and not others.
- If either party wishes to introduce previously undisclosed evidence or witnesses, the hearing should be adjourned so that the other side has time to respond to the new evidence. Late evidence of witnesses should not be accepted unless there is a good reason for the lateness.
- The Chair should ensure that a clerk is present to take notes at the hearing and record the outcome of the review proceedings
- The meeting should allow for:
 - The complainant to explain his or her complaint and the Headteacher and or Chair of Governors to explain the reasons for his or her decision;
 - The Headteacher to be given the opportunity to question the complainant about the complaint and the complainant the opportunity to question the Headteacher;
 - The CAP to have an opportunity to question the complainant and the Headteacher and or Chair of Governors;
 - Any party to have the right to bring witnesses (subject to the approval of the Chair of CAP) and all parties having the right to question all the witnesses;
 - The panel may ask questions at any point
 - A final statement by the Headteacher and or Chair of Governors and complainant.
- The Chair of the CAP should explain to the complainant and the Headteacher and/or Chair of Governors that the CAP will consider its decision, and a written response will be sent to all parties as soon as possible. The complainant, Headteacher, Chair of Governors and any witnesses will then leave.

CONFIDENTIALITY

It is extremely important that when an allegation is made against a member of school staff, that the school or college (and the complainant) makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

The Education Act 2011 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a member of staff who has been accused by, or on behalf of, a pupil from the same school or college (where that identification would identify the member of staff as the subject of the allegation).

REVIEW OF THE APPEAL HEARING

The CAP will consider the complaint and all the evidence presented and reach a unanimous, or at least a majority, decision on the complaint.

The remit of the Complaints Appeal Panel is to:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;

Where appropriate the CAP can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure that problems of a similar nature do not happen again.

AFTER THE HEARING

The complainant should be notified in writing of the panel's decision, usually within 5 days.

The Clerk/Chair of CAP should send a written statement outlining the decision with reasons to both the complainant and the Headteacher and Chair of Governors (where relevant). The letter should confirm the end of the school's and governing body's involvement with the complaint and explain any further rights of appeal.

The complainant should be advised that the local authority has no role unless the complaint relates to a service provided by the local authority.

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

Further information can be obtained from the SCU by calling the National Helpline on 0370 000 2288 or going online at: www.education.gov.uk/help/contactus or by writing to:

Department for Education
School Complaints Unit
2nd Floor, Piccadilly Gate
Store Street
Manchester
M1 2WD