



Concerns & Complaints Policy

Date of policy:	April 2011
Date last review adopted by governing body:	29 January 2019
Frequency of review:	Annual

1. Concerns outside of this policy

Some complaints fall outside the school's complaints procedure, for example:

- exclusions
- staff grievances
- disciplinary procedures
- whistleblowing

Please see separate school policies on these matters.

2. Compliments

These are always welcome and very encouraging to teachers and staff. The school encourages feedback or opinions from pupils and parents. It may not always be possible to act immediately but pupils and the school always benefit so please do tell us.

3. Concerns

It is natural that parents may, occasionally, be concerned about an aspect of their child's education or welfare at school. This could include issues concerning the school's approach to aspects of the curriculum, homework, behavioural problems or any other issue.

The school welcomes enquiries from parents about any matter. Teachers and staff will explain the school practices, policies, and how they affect the pupils. The vast majority of concerns will be handled by the class teacher or by the subject coordinator if this is more helpful. If in doubt, keep asking until you are completely satisfied as all staff are eager to help.

The usual format is to speak to the child's class teacher in the first instance, or to contact the school office to arrange an appointment to discuss your concern with whoever you wish. At all times the staff will help to resolve a problem. If occasionally parents feel they must state their concern formally, this too is not a problem. The school has defined procedures for handling complaints so don't be embarrassed if you feel an issue warrants more attention.

4. Complaints

The procedure is again to speak to the child's class teacher in the first instance, or contact the school office to arrange an appointment to discuss your complaint with whoever you wish.

The school's policy is to follow the Local Authority (Essex County Council) guidelines when handling concerns and complaints. Just ask if you would like advice or a copy. It would be unusual to deviate

from these procedures but the school always retains discretion in these matters.

In summary, the nationally accepted procedure is divided into three stages:

Stage 1 aims to resolve the concern through informal contact at the appropriate level in school. This concern will be dealt with informally and we will ensure you are clear what action or monitoring is involved. We will discuss the progress of our enquiries normally within ten school days

Stage 2 is the first formal stage where written complaints are considered by the Headteacher or a designated governor, who has responsibility for dealing with complaints. It applies when you are not happy with stage 1. We will acknowledge your complaint in writing as soon as possible after receiving it, normally within three school days. We would normally expect to respond in full within ten school days but if this is not possible we will let you know the reason for the delay. We may invite you to a meeting to discuss the complaint and you can ask someone to accompany you if required. The Headteacher or governors may also be accompanied by a suitable person if they wish. We would talk to witnesses and take statements as needed and if a pupil was involved talk to them with a parent or carer present. This may alter if this would delay the investigation of an urgent complaint or if a pupil has said specifically he/she does not want the parent to be involved. We will keep records of all meetings. If the complaint is against a member of staff, it will be dealt under the school's internal confidential procedure as required by law. We will send you a written response to your complaint once all the facts have been established. Very occasionally a school will feel the need to close a complaint, for example if it is not possible to meet all of the complainant's wishes. If there are persistent representations to the school it may be classed as an unreasonable complaint. (See section 5). The complaint should remain confidential from other governors in case a panel is needed as the next step.

Stage 3 is the next step once Stage 2 is complete. It involves a complaints review panel of governors. Parents have to have a panel if they request it. The chair will instruct the clerk to set up a complaints review panel, which will be comprised of a panel of governors with no prior knowledge of the complaint. The panel will be set up within 20 school days. The clerk will ask you whether you wish to provide any further written documentation and all parties will be given time and place of the meeting at least 5 working days in advance. The clerk will send you all relevant correspondence and ask whether you wish to submit further evidence. You are entitled to be accompanied at the meeting and with the agreement of the chair of the panel the Headteacher may invite members of staff directly involved. No evidence or witnesses previously undisclosed should be introduced into the meeting, if it is the meeting will be adjourned. The chair of the panel will ensure the meeting is properly minuted. You do not have an automatic right to see the minutes or receive a copy. The written outcome of the meeting will be sent to you.

In closing the meeting the chair will explain that the panel will consider its decision and written notice of the decision will be sent to the Headteacher and yourself within two weeks. All participant other than the panel and clerk will then leave. The panel will consider the complaint and all the evidence to reach a unanimous or at least a majority decision and recommend any changes to the school's systems or procedures to ensure similar problems do not happen again.

Complaints against the Headteacher are usually first dealt with by the Chair of Governors. Complaints against the Chair of Governors or any individual governor should be made by writing to the Clerk to the Governing Body.

5. Unreasonable complainants

Writtle Infant 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.

Writtle Infant 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.

Complainants should limit the numbers of communications with a 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. For complainants who excessively contact Writtle Infant School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police may be informed. This may include banning an individual from the school.

Note: The Department for Education does not itself use the term 'vexatious' when dealing with serial or persistent correspondents as it could potentially be inflammatory. However, it is a recognised term. In the context of Freedom of Information (FOI) requests, the Upper Tribunal concluded that 'vexatious' could be defined as the '*...manifestly unjustified, inappropriate or improper use of a formal procedure.*' An exemption therefore exists in Section 14(1) of the Freedom of Information Act 2000. However, this exemption can only be applied to requests themselves, and not the individuals who submit them.

6. Role of the clerk

A complaints co-ordinator can provide administrative support in place of a clerk to the governing body, if that is more suitable to the school's needs. However, governance and regulatory advice should be sought from a clerk.

7. Transferring data

There may be occasions where complaints are made or continue to be escalated after a child has left the school. On changing schools, the pupil's educational record is transferred to the new school and no copies are retained. Schools can consider holding records of complaints separate to their pupil records (while a complaint is ongoing) so that access to them can be maintained. As information generated by a complaint may not form part of the pupil record, you should consider how best to store this information.

Personal data should only be kept for as long as is necessary for the immediate purpose of processing. The data should be stored securely and, where appropriate, encrypted to maximise security.

8. Admissions to schools

For school admissions, it will depend on who the admission authority is (either the school or the local authority).

Complaints about admission appeals for local authority maintained schools are dealt with by the appropriate ombudsman.

9. Statutory assessments of special educational needs

Concerns about statutory assessments of special educational needs should be raised direct with local authorities.

10. 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, a school 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. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

11. Governing body review

- Complaints should not be shared with the whole governing body, except in very general terms, in case an appeal panel needs to be organised;
- If the whole governing body is aware of the substance of a complaint before the final stage has been completed, schools should arrange for an independent panel to hear the complaint. They may approach a different school to ask for help or the local Governor Services team at the LA, or the Diocese;
- Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. Schools should consider the request but ultimately, the decision is made by the governors;
- The process of listening to and resolving complaints can contribute to school improvement. When individual complaints are heard, schools may also identify underlying issues that need to be addressed. The monitoring and review of complaints can be a useful tool in evaluating a school's performance. The governing body may wish to consider using complaints and review their handling at regular intervals to inform improvements and the effectiveness of the complaints procedure;

If you are unhappy with the outcome of your complaint, or the way it has been handled at school level, you can contact the Secretary of State at the following address:

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

You should enclose a copy of any correspondence with the school or governing body so that the Department for Education can see how they have responded.

If you should need to refer to the full procedures, please ask at the school office. All staff are familiar with the guidelines and have a duty to help parents needing advice. Please don't feel you are making a fuss. These procedures have been carefully compiled and their reference, however rare, is routine to help pupils, parents and the school.

12. Equality statement

The governors and staff are committed to providing the full range of opportunities for all pupils regardless of gender, disability, and ethnicity, social, cultural or religious background. All pupils have access to the curriculum and the right to a learning environment which dispels ignorance, prejudice or stereotyping.