

STATUTORY COMPLAINTS POLICY AND PROCEDURE

1. The school has a statutory duty to have a procedure in place to deal with complaints. Any person, including members of the general public, may make a complaint about any provision of facilities or services by the school unless separate statutory procedures apply. This policy statement sets out Burghfield St Mary's approach to dealing with parental concerns and complaints. Further details of how we handle complaints are contained in our procedures document, at Appendix 1. Both the policy and procedure are based on models supplied by West Berkshire and are published on the school website. They are reviewed regularly and updated as necessary.

2. We define a '**Concern**' as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. We define a '**Complaint**' as 'an expression of dissatisfaction however made, about the actions taken or lack thereof.

3. The policy applies to complaints relating to the schooling of children, the standard of education and care provided, and the school's operational arrangements. It is not appropriate for allegations of abuse; staff grievances; complaints about the actions of a governor or of another parent. Any allegation of abuse will be dealt with as outlined in our Safeguarding and Child Protection Policies. Staff grievances will be dealt with under the Grievance Procedure. Complaints about the actions of another parent should be reported to the Headteacher who will investigate whether the school can take any action.

4. Burghfield St Mary's values good home/school relations and will do everything we can to establish and maintain them. We will seek to resolve any concerns or complaints promptly, and to the satisfaction of all concerned. We treat all concerns and complaints seriously and courteously and advise parents and others of the school's procedures for dealing with their concerns. We ask that complaints are made as soon as possible after an incident arises.

5. Successful resolution of the complaint is the priority at each stage. Complainants will be encouraged to state what actions they feel might resolve the issue. If appropriate one or more of the following may be offered: an apology, an explanation, an admission that things could have been handled differently, an assurance of non-recurrence, an explanation of steps taken to prevent recurrence, and an undertaking to review school policies in the light of the complaint.

6. We expect parents and other complainants to behave respectfully towards all members of the school community. In particular, any disagreement with the school should not be expressed inappropriately or in front of pupils.

7. The senior leadership of the school reviews the number and nature of complaints (when procedures are completed) in order to ensure that lessons learnt are acted upon. The Governing Body monitors the level and nature of complaints annually to verify the effectiveness of procedures, to evaluate performance and contribute to improvement by making any necessary changes.

8. The policy has the following school based stages:-

- a) Informal,
- b) Formal Investigation and response
- c) Appeal.

A further external appeal stage also exists if the complainant is not satisfied with the way in which the investigation has been managed.

9. Staff and governors receive training in handling parental concerns and complaints as appropriate.

10. The governing board is part of a reciprocal arrangement with other governing boards in the LA, which can be used if it is not possible to convene a complete panel with governors from our own board, in the event that an Appeals Panel is required.

11. Whilst we will seek to resolve concerns and complaints to the satisfaction of all parties, it may not be possible to achieve this in every case.

12. We acknowledge that some complainants can be persistent in their repeated approaches to the school, and to manage these instances a separate Persistent Complainant policy exists at Appendix 2.

13. If a complainant chooses to take formal legal action whilst the complaint is being investigated the legal action takes precedent over the complaint process, and this process is suspended. However, we would expect the complainant to have exhausted the school complaint process to before legal action is commenced.

14. If a statutory procedure needs to be invoked at some point during the investigation of a more general complaint, the complaints procedure will be suspended until the statutory procedure has been concluded.

Appendix 1 COMPLAINTS PROCEDURE

1. Who can complain?

This procedure applies to any person, including members of the general public, who may make a complaint about any provision of facilities or services that a school provides. It does not apply to those complaints that are covered by other statutory procedures. The procedure is designed to encourage the resolution of complaints by informal means wherever possible.

2. Stages in the Procedure

The procedure provides three school based stages with a further external Appeal Stage.

(a) The Informal Stage aims to resolve the concern through informal means at the appropriate level in school. A complaint may be made in person, by telephone, or in writing (including e-mail). The complainant should explain their complaint and what they think might resolve the issue. Staff will make every effort to resolve issues on the spot. Formal procedures will only be invoked when initial attempts at resolution are unsuccessful and the complainant remains dissatisfied and wishes to take the matter further.

(b) Formal Stage at which written complaints are considered by either the Head teacher; the Chair of Governors (*if the complaint is against the Head teacher*); a designated governor with special responsibility for dealing with complaints; or an Independent Investigating Officer if appropriate.

(c) Formal Appeal Stage is the last school based stage involves a Complaints Appeal Panel of governors. The Panel reviews how the investigation has been conducted.

(d) An External Appeal is a further formal stage where the complainant can contact the Secretary of State if they remain dissatisfied with the way in which the investigation has been handled. Having exhausted the previous stages, complaints can be taken to the Secretary of State for Education but only on the grounds that the governing board is acting or proposing to act unreasonably or illegally.

3. Time line for making a formal complaint

It is expected that a complaint is made as soon as possible after the incident. However in keeping with guidance from the DfE, we consider three months to be a reasonable timeframe in which to lodge a complaint. In some circumstances a longer time frame may be considered, but this will be at the discretion of the school and governing board.

4. Informal Stage – your initial contact with the school

a. Many concerns will be dealt with informally when you make them known to us. In the first instance the complaint should be raised with a relevant staff member. If the complainant would have difficulty with a particular member of staff, or the complaint refers to a staff member, the complaint can be raised with another staff member or the Headteacher. Where the first approach is to a Governor the complainant will be referred to the appropriate person and advised of the procedure.

b. Once your concern is made known to us, we will see you, or contact you by telephone or in writing, as soon as possible. If it is necessary, all members of staff know how to refer to the appropriate person with responsibility for your particular issues. He or she will make a clear note of the details and will check later to make sure that the matter has been followed up.

c. Any actions or monitoring of the situation that has been agreed will be communicated clearly to you and if necessary we will contact appropriate people who may be able to assist us with our enquiries into your concern.

d. We will normally update you on the progress of our enquiries within 10 school days. Once we have responded to your concern, you will have the opportunity to ask for the matter to be considered further.

e. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage.

5. Formal Stage - Formal consideration of your complaint

a. Where you are not happy with the informal approach to dealing with your concern, as outlined above you may move to a formal complaint. In order to manage the complaint effectively, it is requested that a formal complaint is put into writing. Normally, this should be addressed to the Head teacher. If, however, your complaint concerns the Head teacher personally, it should be sent to the Clerk to the Governors marked "for the attention of the Chair of Governors". Proceedings will be conducted by an Investigating Office, either:

- The Head teacher – or member of staff the Head teacher has delegated this to.
- The Chair of Governors if the complaint is against the Head teacher or a Governor
- The Vice Chair of Governors, if the complaint is against the Chair of Governors.
- Another Governor if delegated by the Chair of Governors
- An Independent Investigating Officer, designated by either the Head teacher or Governing Board,(if appropriate to the circumstances)
- An Independent Investigating Officer, if the complaint is against more than one governor.

The Investigating Officer may appoint another Investigating Officer to assist him or her should he or she deem it necessary.

b. . We will acknowledge your complaint in writing within five school working days. and enclose a copy of the complaint policy and procedures with the acknowledgement.

c. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. This will help us to ensure that we fully understand your complaint and can investigate appropriately. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint. e. The Investigating Officer may be accompanied by an appropriate person if they wish.

d Following the meeting, the Investigating Officer will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question. We will normally talk to pupils with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a pupil has specifically said that he or she would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.

e. If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.

f. The Investigating Officer will keep written/typed, signed and dated records of all meetings and telephone conversations, and other related documentation.

g. Normally we would expect to respond in full within 20 school days but if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.

h. Once we have established all the relevant facts, we will send you a written response to your complaint. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you. The letter will indicate if your complaint is upheld, partially upheld or not upheld as appropriate and give an explanation of the Investigating Officer's findings and decision and the reasons for them. If follow-up action is needed, we will indicate what we are proposing to do.

i. If you are unhappy with the way in which we reached our conclusions, you may wish to proceed to **Formal Appeal Stage** – Consideration by a Governors' Appeal Panel as described below.

6. Formal Appeal Stage - Consideration by a Governors' Appeal Panel

a. This is a formal process, and the ultimate recourse at school level. If you intend to progress to the Formal Appeal Stage, you are required to notify this within 10 working days of the response received at Formal Stage One explaining why you are requesting a review and why you consider the response to be unsatisfactory.

b. The purpose of this appeal is to give you the chance to present your arguments in front of a panel of governors who have no prior knowledge of the details of the case and who can, therefore, consider it without prejudice. The purpose of a panel is **not to rehear** the complaint, but to.

- review how the complaint has been investigated
- determine whether this has been conducted fairly.
- establish facts *and* make recommendations, which will reassure you that the complaint has been taken seriously.

7. The Governors' Appeal Panel operates according to the following formal procedures:

a. The governing board will convene a panel of three governors and will aim to arrange for the panel meeting to take place within **20 (twenty) school days**.

b. You will be asked whether you wish to provide any further written documentation in support of your appeal. Any additional documentation should be submitted prior to the review panel meeting. This documentation should **not introduce new material or a new complaint**.

c. Additional documentation must be **received five 5 school days** in advance of the date set for the Appeal Meeting, in order to allow the panel time to read the material.

d. The Investigating Officer, will be asked to prepare a pack of the documentation related to the investigation and the outcome for the panel. The panel can request additional information from other sources if necessary.

e. You will be informed, at least **five 5 school days** in advance, of the date, time and place of the meeting. We hope you will feel comfortable with the meeting-taking place in the school but we will do what we can to make alternative arrangements if you prefer. However, we cannot guarantee that this will be possible. With the letter, you will receive any relevant correspondence or reports regarding Formal Stage 1. The letter will explain what will happen at the panel meeting. It will state that you may be accompanied to the meeting. The choice of person to accompany you is your decision. It is usually best to involve someone you have confidence in, but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish. It is not appropriate to bring a solicitor or other legal representative to this meeting.

f. If it is necessary in the interests of the ratifying the investigative process, the Investigating Officer may, with the agreement of the Chair of the Appeal Panel, invite relevant witnesses directly involved in matters raised by you to attend the meeting. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence

g. The Chair of the Appeal panel will bear in mind that the formal nature of the meeting can be intimidating and will do his or her best to put you at your ease. The Chair of the Panel will ensure that the meeting is properly minuted. Any decision to share the Minutes with the complainant is a matter for the panel's discretion. The complainant does not have an automatic right to see or receive a copy as the Minutes are the property of the governing board. Since such Minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.

h. Normally, the written outcome of the panel meeting, which will be sent to you, should give you all the information you require. If, however, you feel that you would like to have a copy of the minutes it would be helpful if you could indicate this in advance. If the panel is happy for the minutes to be copied to you, the Clerk can then be asked maintain confidentiality in the minutes.

i. During the meeting, you can expect there to be opportunities for:

- The panel to hear you explain your case and your argument for why it should be heard at Stage 2;
- The panel to hear the complaint investigator's case in response;
- You to raise questions via the Chair;
- You to be questioned by the complaint investigator through the Chair;
- The panel members to be able to question you and the complaint investigator; and
- You and the Head teacher/complaint investigator to make a final statement.

j. In closing the meeting, the Chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to you and the Head teacher **within five school days**. All participants other than the panel and the Clerk will then leave. The panel will then consider the complaint and all the evidence presented in order to:

- Reach a unanimous, or at least a majority, decision on the case;
- Decide on the appropriate action to be taken, if necessary; and
- Recommend, where appropriate, to the governing board changes to the school's systems or procedures to ensure that similar problems do not happen again.

k. The Clerk will send you and the Head teacher a letter outlining the decision of the panel. The letter will also explain that you are entitled to have the handling of the complaint reviewed by the Secretary of State for Education.

l. We will keep a copy of all correspondence and notes on file in the school's records but separate from pupils' personal records.

8. Closure of Complaints

We will do all we can to help to resolve a complaint against the school but sometimes it is simply not possible to meet all of a complainant's wishes. Sometimes it is simply a case of "agreeing to disagree". If a complainant persists in making representations to the school – to the Head teacher, designated governor, Chair of Governors or anyone else – or to the LA, this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care. If a complainant is persistent, the school leadership team and governing board are able to enact the Persistent Complainants Policy (Appendix 2 below) in order to manage the situation and issues, particularly when these are having an adverse effect upon the ability of staff to conduct their day to day roles.

9. External Appeal

Where you have been through the school's internal complaints procedures (with recourse to a complaints review panel) and are still unhappy with the outcome or decision from the governing board, you can contact the Secretary of State for Education via the DfE website www.education.gov.uk, by telephoning 0370 000 2288 or by writing to the address below:

The School Complaints Unit (SCU)

Department for Education

Piccadilly Gate

Store Street

MANCHESTER M1 2WD

Please enclose with your letter to the DfE a copy of the complaint outcome. This will save time in that the DfE will not need to ask for our view of what has happened. The Secretary of State has a duty to consider all complaints raised but who will only intervene where the Governing Body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

Appendix 2 Persistent Complainants Policy

1. Burghfield St Marys 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.

2. Burghfield St Marys defines Persistent 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'*.

3. Where complainants are abusive or threaten staff, a formal written record will 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. These will be kept on file as evidence of the complainant's behaviour as this may be required for legal purposes at a later date.

4. A complainant may be regarded as Persistent 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 **the** 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,
- 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.

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

- Maliciously; or aggressively;
- Knowing it to be false; or using falsified information;

- Using threats, intimidation or violence; abusive, offensive or discriminatory language;
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

6. 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.

7. Whenever possible, the Head teacher or Chair of Governors will discuss any concerns with the complainant informally before the 'unreasonable' marking is applied to the complaint.

8. If the behaviour continues the Head teacher or Chair of Governors will write to the complainant explaining that their behaviour is Persistent and asking them to desist.

9. For complainants who excessively contact the 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.

10 School will continue to provide parents with the information they are entitled to under The Education (Pupil Information) (England) Regs 2005 (S.1.1437) and subsequent amendments in the School information (England) Regs 2008 (S1.1471)

11. 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. This may include banning an individual from the school.

12. Banning 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 it remains a safe place for pupils, staff and other members of their community.

13 If an individual's behaviour is a cause for concern, a school can ask him/her to leave school premises. If the complainant presents himself/herself regularly at the school site and behaves inappropriately, the school will seek advice and guidance from the LA about managing this situation. In serious cases, the Head teacher or the local authority can notify them in writing that their implied license to be on school premises has been temporarily revoked subject to an appeal hearing. If this decision is taken, this will be put in writing and explain how the decision can be appealed. The individual will be given the opportunity to formally express their views on the decision to ban in writing.

14. The decision will be reviewed and either confirmed or lifted. If the decision is confirmed the individual will be notified in writing, explaining how long the ban will be in place. Anyone wishing to complain about being banned can do so, by letter or email, to the Head teacher or Chair of Governors. However complaints about banning cannot be escalated to the Department for Education. Once the school procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

15. . All relevant staff 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. Where appropriate the case may be included as va specific item for routine inclusion in meetings with involved staff.

Appendix 3: Persistent Complainants Procedure

1. The decision to apply the Persistent Complainants Procedure will not be taken by one individual in isolation, and guidance will be sought from the LA. The Investigating Officer will ensure that each complaint has been thoroughly assessed to ensure no items are overlooked and all issues raised have been previously addressed. The following process and criteria will be applied.

2. The Governing Board has decided that where the Complaint has gone through the formal Complaint Procedure, the Appeal Panel will make the decision as they will be aware for the details around the case, -and- where the Complainant has made repeated contact with the school, but is not engaging with formal process the decision will be made by the Headteacher and two members of the governing board, one of whom should be a parent governor.

3. The Persistent Complainants Procedure will only be applied where supporting evidence shows: _

- That the school has taken every reasonable step to address the complainant's need
- That the complainant has been given a clear statement of the school's position and their options (if any).
- That the complainant is contacting the school repeatedly, but making substantially the same points each time

The case is strengthened if there is evidence to agree with **one or more** of the following statements:

- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience. (Evidence could include statements for example, in writing, email, text or by telephone call)
- The communications are often or always abusive or aggressive. This includes written and verbal communications
- The complainant makes insulting personal comments about or threats toward staff.