



COMPLAINTS POLICY AND PROCEDURE

Reviewed by: Headteacher/Chair of Governors (Jan 2019)

Approved by: Headteacher/Chair of Governors (Jan 2019)

Next Review: January 2020

Introduction

The governing body of Rauceby School is committed to ensuring that the highest standards are maintained at the school both in the provision of education to pupils and in every other aspect of the running of the school. A complaints procedure is an important part of the management of a well-run school allowing parents and others the opportunity to voice any concerns they may have through appropriate channels. This policy explains the procedure which has been adopted by the governing board to ensure a timely, systematic and fair approach to the resolution of such concerns.

We recognise the need to be clear about the difference between a concern and a complaint (see section 3)

Taking informal concerns seriously at the earliest stage reduces the numbers that develop into formal complaints. We aim to ensure that concerns are handled, if at all possible, without the need for formal procedures. Our formal complaints procedure is only necessary if efforts to resolve the concern informally are unsuccessful. In most cases, a class teacher or an individual delivering the service will receive the first approach. Our staff development process includes training to help staff resolve issues on the spot, including apologising where necessary.

Our formal procedures are invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. (See appendix B and appendix C)

This policy does not cover certain types of complaints, which are dealt with under separate procedures. These are:

- Any complaint relating to child protection, which will immediately be raised with the local authority (LA) for them to handle.
- Complaints by staff – addressed under the school's grievance procedure or other personnel policies.
- Admissions – addressed under the admissions and admissions appeals procedure.
- Whistle-blowing – (matters of impropriety eg a breach of law, school procedures or ethics) – addressed under the whistle blowing procedure.
- Complaints about our fulfilment of early years requirements
- We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 9) and make this available to Ofsted on request.

- Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.
- We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

A complaint may result in disciplinary action by the school against a member of staff and this would be confidential between that member of staff and the school, but otherwise complainants will be kept fully informed of the handling of any complaint. Any complaint will be kept confidential unless it is necessary to involve other parties and will be dealt with as quickly as possible.

If a complaint is investigated according to the school's policy but not to the satisfaction of the complainant, who then tries to reopen the same issue, the chair of the governing board will inform them in writing that the procedure has been exhausted and that the matter is now closed. However, if the complainant raises an entirely new, separate complaint, it will be dealt with in accordance with the school's complaints procedure.

Staff also recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. However, all instances of unacceptable behaviour such as harassment, aggressive verbal or physical abuse at any time will be documented and this may result in the complaint being dealt with only through written communication thereafter.

Legislation and Guidance

This document meets the requirements of section 29 of the Education Act 2002, which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides. It is also based on guidance for schools on complaints procedures from the Department for Education (DfE).

This document meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought".

The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Arrangements for handling complaints from parents of children with SEN about the school’s support are within the scope of this policy. Such complaints should first be made to the class teacher; they will then be referred to this complaints policy. Our SEN policy includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned

Objectives and targets

To be effective our complaints procedure will:

- Encourage resolution of problems by informal means wherever possible.
- Be easily accessible and publicised, including to third parties who hire school premises.
- Be simple to understand and use.
- Be impartial.
- Be non-adversarial.
- Allow swift handling with established time-limits for action and keeping people informed of the progress.
- Ensure a full and fair investigation by an independent person where necessary.
- Respect people’s desire for confidentiality.
- Address all the points at issue and provide an effective response and appropriate redress, where necessary.
- Provide information to the school’s senior management team so that services can be improved.

Action plan

At Rauceby School, the headteacher has overall responsibility for the operation and management of the school complaints procedure. Any complaint made against school should be addressed, in most cases, in the first instance to the Headteacher. If the complaint is in respect of the Headteacher, the complaint will normally be reviewed by the Chair of Governors. The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 9) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

No complaint in respect of an incident more than eight weeks old will be considered under this complaint procedure, except at the discretion of the headteacher.

It is expected that attempts will be made to resolve difficulties informally with the class teacher or head of key stage before being referred to the headteacher. The informal stage of the procedure should be exhausted before the matter is referred to the formal stage and a complaint form issued (see appendix C). If any substantial complaint is made to a member of staff by a parent it should be referred to the line manager or headteacher, as appropriate, if it cannot be resolved immediately by the member of staff to the satisfaction of the parent.

Whenever a formal complaint is received it will be investigated. At each stage, the person investigating the complaint (normally the Headteacher), makes sure that they:

- Establish what has happened so far and who has been involved.
- Clarify the nature of the complaint and what remains unresolved.
- Meet with the complainant or contact them (if unsure or further information is necessary).
- Clarify what the complainant feels would put things right.
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- Conduct the interview with an open mind and be prepared to persist in the questioning.
- Keep notes of the interview.

Stages in the procedure

There are three stages in the school's complaints procedure. See appendix B for a flow chart. At each stage in the procedure, we will remain mindful of ways in which a complaint can be resolved. It might be

sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An apology.
- An explanation.
- An admission that the situation could have been handled differently or better.
- An assurance that the event complained of will not recur.
- An explanation of the steps that have been taken to ensure that it will not happen again.
- An undertaking to review school policies in light of the complaint.

We encourage complainants to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

At all times we will seek to identify areas of agreement between the parties and clarify any misunderstandings that might have occurred because this can create a positive atmosphere in which to discuss any outstanding issues.

Stage 1 – informal – complaint heard by staff member

In this stage, the class teacher or head of key stage (but not the subject of the complaint or a governor) will deal with the complaint. Most parents' concerns can be adequately resolved by discussion with the class teacher or head of key stage or with other members of staff. Should the complaint be in respect of the curriculum provided by the school, the concern should be brought to the attention of the headteacher in the first instance.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the headteacher as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

There may be no need for the complaint to be put in writing, which would formalise matters and may lead parents to feel less prepared to articulate concerns, perhaps because of a fear that such action may prejudice the interests of their child. The complaint should be resolved within five school days. However, if the complainant wishes to take the matter further, they are requested to complete the complaints form (appendix C) and return it to the school within five school days. The headteacher is informed and stage 2 is implemented.

Stage 2 – formal – complaint heard by headteacher or senior staff member

If the concern is not met to the complainant's satisfaction by discussion, then the complainant should put the complaint in writing, however complaints may also be made:

- By letter or email
- Over the phone
- In person
- By a third party acting on behalf of the complainant

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint. If complainants need assistance raising a formal complaint, they can contact the school office.

- The complainant puts the complaint in writing using the complaints form (appendix C). (If the complaint is in respect of the conduct of the headteacher, the complaint should be addressed to the Chair of Governors. If the complaint is in respect of the conduct of a governor, it should be addressed to the Clerk to Governors.)
- The initial recipient of the complaint should refer the matter to the headteacher or to a designated member of the senior leadership team.
- The headteacher, or a designated member of the senior leadership team, will investigate the circumstances of the complaint and may find it appropriate to ask for written statements from staff or pupils and to call for any relevant documentation. If the complaint is against a member of staff, that member of staff has a right to be given details of the complaint and the opportunity to make representation about it. The person investigating the incident will take these details into account.
- The headteacher or designated member of staff will consider the complaint but it will be the headteacher who will decide what action is required and respond to the complainant with the outcome of the investigation, normally within **ten** school working days of receipt of the substance of the complaint. The response may be in writing or at a meeting with the complainant followed by written confirmation of the outcome.

Note If a complaint concerns the conduct of the headteacher or a governor, or where the headteacher or governor has been involved in the issue previously, then the matter will be referred to a senior member of staff or member of the governing board not previously involved. In some circumstances, the school reserves the right to refer the matter to an external body.

The complainant will be informed of his or her right to have the matter referred to the governors' complaints appeal panel if the outcome of stage 2 is not considered satisfactory. The time frame in which any appeal must be lodged in writing is five school days. Any such request by a complainant should be addressed to the clerk to the governors for the attention of the chair of governors and the governors' complaints appeal panel will be convened.

Stage 3 – formal – governors' complaints appeal panel meeting

When the clerk to the governors receives the request for the governors' complaints appeal panel to meet:

- The complainant/parent will be informed by the clerk of the new timescale for the investigation and written report to be provided – within fifteen school working days. (However, the length of the investigation will depend on the nature of the complaint and other variable factors. If the investigation is likely to exceed fifteen school working days, the school will set realistic time limits for each action within the stage. Where such further investigations are necessary, new time limits may need to be set and the complainant will be sent details of the new deadline and an explanation for the delay.)
- A governors' complaints appeal panel will be assembled comprising at least three members, none of whom have any previous connection to the complaint, and one of whom will act as chair for the meeting. The meeting will additionally usually have a clerk in attendance. One of the members of the panel must be independent of the management and running of the school.
- In respect of curriculum complaints, a curriculum complaints panel will be assembled, comprising at least three members, one of whom will be the headteacher, and one of the the remaining governors will act as chair for the meeting.

- The clerk will write to the complainant, the headteacher, the chair of governors and appeal panel members giving details of the meeting, requesting copies of any documents to be put before the meeting and the names of any witnesses that either party may wish to attend.
- The clerk will inform the complainant of the right to be accompanied by a friend (if not a member of the legal profession or media).
- The panel will have access to the existing record of the complaint's progress (see section 9).
- The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.
- The complainant must be allowed to attend the panel hearing and be accompanied if they wish.

The procedure at the hearing (see appendix D) will be sensitive and appropriate for the circumstances and is at the discretion of the chair of the governors' complaints appeal panel.

After the hearing the clerk will offer copies of the minutes of the meeting to all parties involved in the panel hearing and provide an opportunity for the minutes to be agreed and, if necessary, challenged within five school days so that no additional complaints will arise because of the record of the meeting.

The panel can:

- Dismiss the complaint in whole or in part.
- Uphold the complaint in whole or in part.
- Decide on the appropriate action to be taken to resolve the complaint.
- Recommend changes to the school's procedures to ensure that similar problems do not recur.

The governors' appeal panel's decision is final.

A copy of the findings and recommendations of the panel will be sent by letter and/or email to the complainant and, where relevant, to the person complained about, and will be available for inspection on the school premises by the headteacher.

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the school was in breach of its funding agreement with the secretary of state
- Whether the school has failed to comply with any other legal obligation

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

Recording complaints

The progress of any complaint and the final outcome will be recorded by the complaints co-ordinator. These findings will be made available to the complainant and, where relevant, the person complained

about, and will be available for inspection by the headteacher. Initially a complaint may be made in person or by telephone and if unresolved needs to be put in writing (see appendix C). At the end of a meeting or telephone call, the member of staff will ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

Publicising the policy and procedure

Details of Rauceby School's complaints policy and procedures are included, as appropriate, in:

- On request from the school office.
- The information given to new parents when their children join the school.
- The home-school agreement.
- Documents supplied to community users, including course information or letting agreements.
- The school website.

Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

Record-keeping

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and our management and retention of records policy.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

The Governing Body will review any underlying issues raised by complaints with the Head teacher where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

The Governing Body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Governing Body will track the number and nature of complaints, and review underlying issues.

The complaints records are logged and managed by the Head Teacher

This policy will be reviewed by the Head Teacher and Chair of Governors.

Appendix A

Policy and Procedure for dealing with Unreasonably Persistent Complaints/Vexatious behaviour

The headteacher and staff deal with specific complaints as part of their day-to-day management of the school in accordance with the Complaints Policy and Procedure.

The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant. The school is committed to promoting positive relationships with all members of the school community, regardless of age, sex, religion, ability or culture and it welcomes the opportunity to address and resolve issues that may arise.

However, there are rare occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of the school and directly or indirectly the overall well-being of the children, staff and/or governors in the school.

This policy is intended to address such vexatious communications and complaints and to assist staff and governors in managing demanding or unreasonable behaviour. This policy is not designed to address violent or threatening behaviour which requires an urgent and often immediate response.

The school expects anyone who wishes to raise concerns with the school to:

- treat all members of the school community with courtesy and respect;
- respect the needs of pupils and staff within the school;
- avoid the use of violence, or threats of violence, towards people or property;
- avoid any aggression or verbal abuse;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- recognise that resolving a specific problem can sometimes take time;
- follow the school's complaints procedure.

The governing body will not tolerate any form of physical or verbal aggression against members of the school community.

For the purpose of this policy, an unreasonably persistent complainant may be anyone who engages in unreasonable/vexatious behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include the following (but this is not an exhaustive list):

- actions which are obsessive, persistent, harassing, prolific, repetitious;
- prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
- repeated and/or frequent requests for information, whether or not those requests are made under the access to information legislation;
- an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;

- an insistence upon pursuing complaints in an unreasonable manner;
- an insistence on only dealing with the headteacher on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters;
- an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the school;
- making what appears to be groundless complaints about staff dealing with the complaint and seeking to have them replaced;
- abusive or threatening behaviour or language towards school staff;
- failing to specify grounds of the complaint, despite offers of assistance from the school.

We regard harassment as including the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress, rather than to seek a resolution. Behaviour may fall within the scope of this policy if:

- it appears to be deliberately targeted at one or more members of school staff or others, without good cause;
- the way in which a complaint or other issue is pursued (as opposed to the complaint itself) causes undue distress to school staff or others;
- it has an unjustifiably significant and disproportionate adverse effect on the school community.

School's responses to unreasonably persistent/vexatious complaints or harassment

This policy is intended to be used in conjunction with the school's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty.

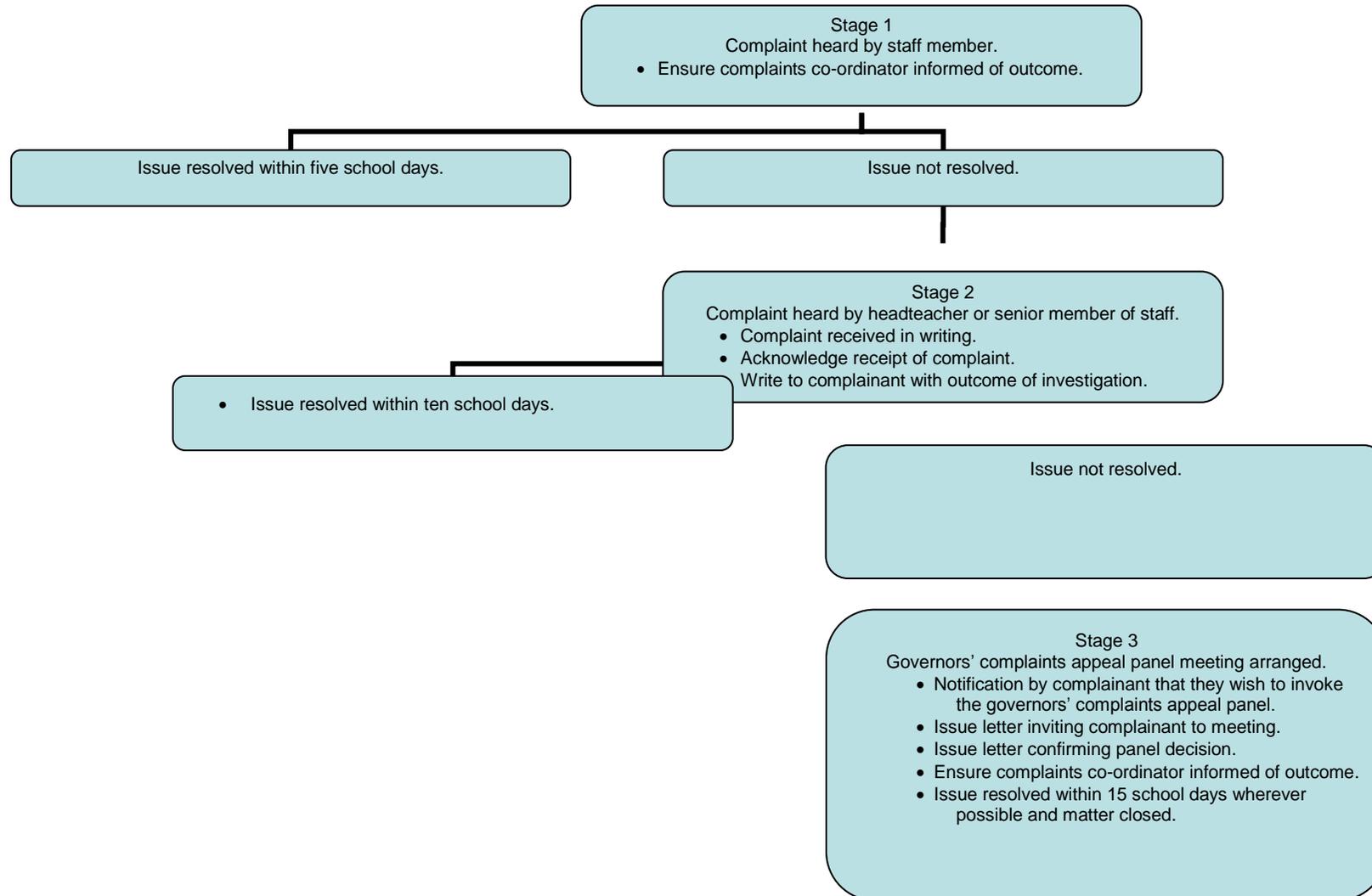
However, in cases of unreasonably persistent, vexatious complaints or harassment, the school (either the headteacher or where the behaviour is directed towards the headteacher, by the chair of governors on behalf of the Governing body) may take some or all of the following steps, as appropriate:

- inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request the complainant to cease such behaviour;
- inform the complainant in writing that the school considers his/her behaviour to fall under the terms of this policy;
- require any future meetings with a member of staff to be conducted with an additional person present. In the interests of all parties, notes of these meetings may be taken;
- the headteacher may refer the complainant to the Governing body. The chair of governors, on behalf of the Governing body will communicate with the complainant and express the Governing body's concern and will reiterate that the behaviour will not be tolerated.
- The Governing body may then inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channelled through a third party chosen by the school, for example the School's Solicitor. The Governing body will not withdraw nor fail to provide any services which the complainant or his or her family is entitled to receive;

- The Governing body may inform the complainant that, with the exception of urgent communication regarding their child in school, the school will respond to their correspondence on a 6 weekly basis only;
- If after the above actions, the vexatious behaviour continues, the Governing body will direct all correspondence to the school's solicitor to review all communication and the appropriate next steps.

Legitimate new complaints will always be considered in an appropriate time frame, even if the person making them is (or has been) subject to this procedure. The school nevertheless reserves the right not to respond to communications from individuals whose conduct falls within the scope of this policy.

APPENDIX B: FLOWCHART FOR THE COMPLAINTS PROCEDURE



If there is no resolution after stage 3, the complainant will be advised of how to take their complaint further if they so wish.

APPENDIX C: COMPLAINTS FORM

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

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Daytime telephone number: Evening telephone number:

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 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:

APPENDIX D: CHECKLIST FOR A PANEL HEARING

The governors' complaints appeal panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The headteacher may question both the complainant and the witnesses after each has spoken.
- The headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.