



## **Ottery St. Mary Primary School - Complaints Policy**

### **Overview**

Since 1<sup>st</sup> September 2003 Governing Bodies of all maintained schools in England have been required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.

It is in everyone's interest that complaints are resolved at the earliest possible stage. We always encourage anyone with a concern or complaint to initially speak to the school informally. Should this fail to satisfactorily resolve the matter and the complainant wishes to take the matter further then the formal procedures will need to be invoked.

Our aim is to deal with any concerns or complaints quickly, efficiently and proportionately. A realistic time limit has been set for each action within each stage. However, where further investigations are necessary, or such investigation is likely to take longer than the time limit set, then the complainant will be sent details of the new deadline and an explanation for the delay.

It is expected that parents/carers make a complaint as soon as possible after an incident arises but we understand that there may be good reasons why a parent/carer has not made a complaint earlier (e.g. they were gathering further information to support their complaint or they were not fully aware of the implications of an incident until a later date). In light of this, we are willing to consider matters being raised with the School beyond any reasonable timescale.

This policy aims to:

- Encourage the resolution of concerns and complaints by informal means wherever possible
- Ensure that concerns are dealt with quickly, fully and fairly and within defined time limits where possible
- Provide effective and appropriate responses to concerns and complaints
- Maintain good working relationships between the school and all those involved.

Contact details are listed at the end of the Policy.

## **Procedure**

For its part, the school will:

- listen to your concerns
- explain what can happen to resolve your concern or complaint
- confirm with you the process that will be followed and who will deal with it
- if necessary, carry out a more detailed investigation into your concern or complaint.

### **Informal Stage – School Resolution Process**

The School Resolution process is not about apportioning blame or about staff being dealt with through formal conduct or capability procedures – schools are centres of learning for everyone, and it is about learning from what has happened and working with you to make sure it doesn't happen again.

#### **Stage 1**

In general, if the concern or complaint is a day-to-day classroom matter, this should first be dealt with by the class teacher. However, if the concern is about the class teacher and the complainant feels unable to discuss the matter with them then the initial contact can be with a member of the School's SLT, Deputy Head Teacher or the Headteacher. They can arrange for you to talk face-to-face, on the telephone or they can contact you by letter if you prefer. Most concerns can be resolved satisfactorily at this stage.

If your concern or complaint is an expression of dissatisfaction with something the school has either done or not done, and not about somebody - for example, about the way the school operates its policies or is directed to fulfil its statutory obligations - it can also be dealt with as above.

If the matter needs to be investigated then we would expect this stage to take a maximum of 5 working days (term time). Some concerns or complaints may require a more detailed investigation and if, in those circumstances, it is not possible to meet this timescale, then the School/Headteacher will contact the complainant to discuss an alternative timescale.

If the matter cannot be resolved at this stage or the complainant remains unhappy then they can take the matter to the next, more formal, stage.

### **Formal Stage – School Investigation Process**

The principles of School Resolution apply to the complaints procedure in that despite the fact that this is a formal procedure, the intention is to look openly and without prejudice at the concerns that have been raised and consider what the school might have done differently or better and what actions might need to be taken to resolve matters and to ensure that similar concerns do not need to be raised again.

#### **Stage 2**

The complaint is heard by the Headteacher. However, if the concern is about the Headteacher and the complainant feels unable to discuss the matter with him then the initial

contact can be with the Chair of Governors (via the Clerk to the Governing Body). By appointment, the Headteacher can arrange to meet you to talk face-to-face. Alternatively they can contact you by telephone or by letter if you prefer.

A formal written complaint will be acknowledged, in writing, within 5 working days of receipt (term time) and a response will be given within a further 10 working days (term time). If it is not possible to meet these timescales, then the Headteacher will contact the complainant to discuss an alternative timescale. A full investigation will be undertaken into the complaint and the findings reported back to the complainant.

If the complainant is still dissatisfied, the complaint will proceed to stage 3.

### **Stage 3**

The complaint is passed to the Chair of Governors by the complainant via the Clerk to the Governing Body who will conduct a further investigation into the issue before reporting the results of the investigation to all parties. The Chair of Governors will acknowledge the complaint within 5 working days and respond within a further 15 days.

Whilst the governing body is corporately accountable for the school and therefore expects clear and formal communication of work done on its behalf, in the case of complaints (and other matters that may require them to form an appeal panel), it is important that information is not shared amongst governors. Thus a complainant should not be advised to send a letter to the governing body as a whole, nor should letters of complaint or updates on the progress of a complaint be given to governors either within or outside of governing body meetings. This is essential in order to protect the integrity and objectivity of the process so that any governors involved in a Stage 4 appeal are able to do so objectively.

If the complainant is still dissatisfied the complaint will proceed to stage 4.

### **Stage 4**

If no resolution can be reached through stages 1-3, the complaint may be taken to the full Governing Body via the Clerk to the Governing Body or Vice-Chair. A Complaints Panel Meeting will be arranged to which the complainant will be invited. The Complaints Panel will consist of three Governors with no previous involvement or knowledge of the case. See Appendices 1 and 2 which set out the processes involved.

Sometimes when a complaint is very complex, and has taken a lot of time, it may be that the Governing Body may have difficulty assembling an appeal panel that fits the criteria of having had no prior knowledge of the complaint. In this case the complainant may request that the school source an independent appeal panel to hear the final stage of the complaint.

The Clerk will acknowledge receipt of the complaint within 5 working days (term time) and, where possible, will arrange for the panel to meet within 15 days (term time) of the Clerk receiving the Stage 4 complaint. If, for any reason, this cannot be achieved then the Clerk will keep all parties informed as to the reason for the delay.

Following the hearing, the outcome of the panel meeting will be communicated in writing to all parties within five working days (term time). If, for any reason, it is not possible to meet this time-scale then the Chair of the Panel will contact the complainant with details of a new deadline and an explanation for the delay. The letter will state that this is the end of the School's Complaints Procedure but that the complainant may, if they wish, appeal to Devon County Council or the Secretary of State for Education. DCC will investigate if the school's complaints process has been carried out appropriately. However, they will not reinvestigate

the decision of the panel nor are they able to overturn a panel's decision. However, if the complainant is not satisfied with the local authority's response they may write to the Secretary of State for Education.

### **Monitoring and recording complaints**

At all stages of the complaints procedure the following information should be recorded:

- Name of the complainant
- Date and time at which complaint was made
- Details of the nature of the complaint
- Desired outcome of the complainant
- How the complaint is being investigated (including written records of any interviews held)
- Results and conclusions of investigations
- Any action taken
- The complainant's response
- Record of any subsequent action if required

The governing body should appropriately monitor the general nature of complaints over each academic year to inform practice and potential improvements to procedures and policies within the school.

### **What is not covered by this Complaints Policy**

- Complaints about the national curriculum entitlement and collective worship – these should be directed to the governing body and then to the local authority
- Pupil admissions – contact the Admissions Team at Devon County Council.
- Pupil exclusions – appeals to be heard by a Governors' Exclusions Panel.
- SEN Statement Appeals – contact the SEN Team at Devon County Council
- Issues relating to child protection – in the first instance contact the Local Authority Designated Officer for Child Protection
- Employee grievances/disciplinary/dismissal – refer to the Schools' Personnel Handbook for the process. Where the complaint results in a staff grievance or disciplinary it is important that the school follows the appropriate procedures and that the complainant should not be given any details of the action involving an individual member of staff.
- Criminal investigations – refer to the police.

## Contact Details

Headteacher	Mark Gilronan: <a href="mailto:admin@ottery-primary.devon.sch.uk">admin@ottery-primary.devon.sch.uk</a>
Chair of Governors	Oliver Helm: <a href="mailto:schoolchair@ottery-primary.devon.sch.uk">schoolchair@ottery-primary.devon.sch.uk</a>
Vice Chair of Governors	Michelle Perryman: via the Clerk to the Governing Body
Clerk	Sarah Boys: <a href="mailto:clerk@ottery-primary.devon.sch.uk">clerk@ottery-primary.devon.sch.uk</a>
Devon County Council	<a href="https://new.devon.gov.uk/haveyoursay/feedback-and-complaints/complaints-about-schools/">https://new.devon.gov.uk/haveyoursay/feedback-and-complaints/complaints-about-schools/</a>
	Devon County Council County Hall, Topsham Road, Exeter, Devon, EX2 4QD
Department for Education	<a href="http://www.gov.uk/complain-about-school">www.gov.uk/complain-about-school</a>
	The School Complaints Unit (SCU), DfE Piccadilly Gate, Store Street, Manchester M1 2WD 0370 000 2288

## Appendices

Appendix 1	How the Governors' Complaints Panel will run
Appendix 2	Governor's Complaints Panel : Roles and Responsibilities
Appendix 3	Vexatious and Unreasonable Complaints
Appendix 4	Policy for Managing Unreasonable Behaviour

This Complaints Policy was adopted by the Governing Body of Ottery St. Mary Primary School on 17<sup>th</sup> October 2017.

The next review date will be : July 2019

## **Appendix 1**

### **How the Governors' Complaints Panel will run**

Although the panel will follow formal procedures, the hearing should be conducted as informally as possible. Extra care will need to be taken if the hearing involves a child or young person being present.

1. The meeting will take place in private.
2. Both the complainant and the school are invited to attend the panel and arrive at the same time.
3. The chair of the panel will introduce everyone and set out that the remit of the panel is to investigate the complaint. They will do this by allowing each party the opportunity to put their case without undue interruption.
4. Any witnesses or representatives are only required to attend to give their supporting information and may leave once they have done so.
5. The complainant is given the opportunity to state their case. The panel and the Headteacher have the opportunity to ask any questions.
6. The Headteacher is given the opportunity to state the School's case. The panel and the complainant have the opportunity to ask any questions.
7. The complainant is invited to sum up their complaint.
8. The Headteacher is invited to sum up the school's actions and response to the complaint.
9. The chair lets both parties know how they will be notified of the panel's findings, within agreed timescales. The chair draws the meeting to a close.
10. Both parties leave at the same time and the panel withdraws to make their findings.

## Appendix 2

### The Governors' Complaints Panel: Roles and Responsibilities of those involved in the process

#### **The Clerk to the Panel**

The panel must be clerked. The clerk organises the complaints panel and must:

1. Send acknowledgement on behalf of the Chair of the Governors' Panel of the written complaint within **five school working days**, outlining the next steps
2. Arrange membership of the panel, in discussion with the Chair of Governors, which should be three governors who have no prior knowledge of the complaint
3. Set the date, time and venue of the panel, ensuring the dates are convenient to all parties and that the venue and proceedings are accessible. The hearing should be set within **15 school working days after receiving the complaint**. If the timescales cannot be adhered to the chair of the panel should discuss with the school and the complainant the next most appropriate date
4. Write to all parties, detailing the following:
  - Date, time and venue of hearing
  - Aims and objectives of the hearing and how it will be conducted
  - A request for any documentation that either party wishes the panel to consider. This must be with the clerk so that it can be sent to all parties **at least five school working days** before the hearing
  - The rights of equal access, accompaniment and representation for both the complainant and the school, ensuring that everyone is notified as to who will be attending the panel, in advance of the hearing
  - How and when the panel will reach their decision
5. At the hearing, meet and welcome the parties as they arrive ensuring there is appropriate separate waiting space
6. Ensure that both parties arrive at the panel at the same time
7. Record the proceedings and send the typed version to the Chair of the panel and the complainant for checking and agreeing as well as providing the parties an opportunity to challenge, if necessary.
8. Notify all parties of the panel's decision within **five school working days**
9. Keep pink paper minutes at the school with the governing body files

#### **The Chair of Governors**

- If the formal stage is required the Chair of Governors will notify the Clerk to the panel to arrange the Governors' Appeal Panel

- If the complaint is about the Headteacher the Chair of Governors will investigate informally the issue, taking advice from the Governor Support Team where appropriate, and will inform the Head of Advisory Service that a complaint has been made
- The Chair of Governors will need to ensure that general nature of complaints over the academic year are appropriately monitored by the Governing Body to inform practice and potential improvements to procedures and policies within the school

### **The Chair of the Panel**

The Chair of the panel has a key role and will need to ensure that:

- The hearing is as informal as possible and that all parties feel at ease during the hearing
- After introductions the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- The complainant is given the opportunity to state their case – the panel and school then have the opportunity to ask questions and clarify points
- The School is given the opportunity to state their case – the panel and complainant then have the opportunity to ask questions and clarify points
- Any witnesses or representatives are only required to attend to give supporting information
- Both parties have the opportunity to sum up
- The meeting is drawn to a close and both parties leave the panel **at the same time**
- The issues are discussed fully, fairly and are addressed
- The key findings of the facts are made
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- The panel is open minded and acting independently and that no member of the panel has a vested interest in the outcomes of the proceedings or any involvement in an earlier stage of the procedure
- Written material is seen by all parties. If a new issue arises the chair can give all parties the opportunity to consider and comment on it

### **Notification of the Panel's Decision**

The Chair of the panel must ensure that the complainant and the school are notified of the panel's decision. This is usually within a set deadline that is published in the Complaints Policy or mutually agreed.

The panel will either:

- Uphold the complaint
- Reject the complaint



- Uphold the complaint in part

The letter must explain any further rights of appeal and if so, who to contact.

### **Appendix 3** **Vexatious and/or Unreasonable Complaints**

In a small minority of cases, parents/carers may have justified concerns or complaints but may pursue these in a way that is unreasonable or inappropriate. They may behave unacceptably, or be unreasonably persistent in their contacts and submission of information. This can impede the effective investigation of their concern or complaints, which can have a significant impact on time, resources and staff well-being in school. This behaviour can occur at the early stages of a concern being raised, whilst a complaint is being investigated, or once the school has concluded the complaint investigation.

Others may pursue complaints which appear to have no substance or which have already been investigated and determined. Their communication with the school may be amicable but still place very heavy demands on staff time, or they may be very emotionally charged and distressing for all involved. Very occasionally, complainants also act deceitfully by forging documents, making covert recordings of meetings, adopting false identities and so on. Such behaviour is unacceptable and managing it can become a distraction from consideration of the original substance of complaint

If the school determine that the complainant is unreasonable in pursuing the complaint (see criteria below), then the school may interrupt the complaints process. In this case the school needs to be clear that they have done all they can to engage fully and properly with the complainant when seeking to resolve the complaint and have gathered appropriate evidence to demonstrate this.

'Unreasonable behaviour', may include one or two isolated incidents, as well as 'unreasonably persistent behaviour', which is usually an accumulation of incidents or behaviour over a longer period. Unreasonably persistent complainants are those parents or carers who, because of the nature or frequency of their contacts with the school, hinder the school's consideration of their concern or complaint.

The following are example of unreasonable behaviour, unreasonable persistence, unreasonable demands, unreasonable arguments and unreasonable lack of co-operation. It is not intended to be definitive or exhaustive.

#### **Unreasonable behaviour**

- Refusing to specify the grounds of a complaint, despite offers of assistance
- Refusing to co-operate with the complaints investigation process
- Refusing to accept that certain issues are not within the scope of a complaints procedure
- Making unjustified complaints about staff and/or governors who are trying to deal with the issues, and forwarding information to others or requesting that someone else deals with the issue
- Changing the basis of the complaint as the investigation proceeds
- Denying or changing statements he or she made at an earlier stage
- Introducing trivial or irrelevant new information at a later stage
- Raising numerous, detailed but unimportant questions; insisting they are all answered
- Sending rude, threatening or confrontational letters/emails

#### **Unreasonable persistence**

- Persisting even though the complaint has been comprehensively addressed.
- Reframing the complaint
- Demanding a review of the complaint
- Making an issue of trivial things, repeatedly, and making unreasonable demands of the school

### **Unreasonable demands**

- Insisting on the complaint being dealt with in ways which are incompatible with the school's complaints procedure or with good practice
- Insisting on unattainable outcomes
- Wanting revenge or retribution
- Making demands about the way the complaint should be handled
- Providing an extraordinary degree of irrelevant detail
- Creating complexity where there is none and proposing unreasonable arguments

### **Unreasonable arguments**

- Advancing irrational beliefs (e.g. seeing cause-and-effect links where none exist)
- Advancing and sticking to what is clearly a conspiracy theory unsupported by evidence
- Insisting that a particular solution is the correct one
- Insisting on the importance of an issue that is clearly trivial
- Refusing to co-operate with you

### **Unreasonable lack of co-operation**

- Presenting a large quantity of disorganised information
- Withholding information
- Refusing to define the issues underlying the complaint
- Focusing on principles, rather than issues
- Changing the complaint

Situations can escalate, and in a few cases, parents/carers may become abusive, offensive, threatening or otherwise behave unacceptably. In response the School may have to restrict access to its premises or staff, protecting the staff and children from exposure to harassment and harm. The School's Policy for Managing Unreasonable Behaviour that may result in a ban is set out in Appendix 4.

### **Considerations prior to imposing restricted access**

The decision to designate someone's behaviour as unreasonable, and restrict their access to the school, will have serious consequences for the parent/carer and the child. Before taking such action the following will have been considered:

- the complaint is being or has been investigated properly and proportionately any concluding determination is the right one
- communications with the complainant have been adequate, and the complainant is not now
- providing any significant new information that might affect the school's view on the complaint
- a meeting between the complainant, Headteacher and Chair of Governors to explain why the behavior is considered unreasonable and to explore scope for a satisfactory resolution of the complaint
- involving a member of the SLT or another Governor to co-ordinate the School's response(s) in order to resolve the matter satisfactorily.

## **Options for Action**

Before any action is taken in accordance with Appendix 4 the “Managing Unreasonable Behaviour Policy” will be shared with the complainant and the possible consequences of their present behaviour continuing.

Any action(s) taken should be proportionate to the nature and frequency of the complainant’s current contacts. The following options may be suitable, taking the complainant’s behaviour and circumstances into account. The objective is to manage the complainant’s unreasonable behaviour in such a way that their complaint can be brought to a conclusion briskly, without further distractions.

Options include:

- placing limits on the number and duration of contacts with staff per week or month
- offering a restricted time slot for necessary calls
- limiting the complainant to one medium of contact (telephone, letter, email etc.)
- requiring the complainant to communicate only with one named member of staff/governor
- requiring any personal contacts to take place in the presence of a witness and in a suitable location
- refusing to register and process further complaints about the same matter
- where a decision on the complaint has been made, informing the complainant that correspondence will be read and placed on file but not acknowledged, unless it contains new information. A designated officer should be identified who will read future correspondence

## **Banning a parent/carer**

It is very important to make sure that legitimate business between the banned parent/carer and school can still take place – bans should not disadvantage the child, e.g. safe delivery and collection of children.

Necessary and proper communication channels need to be agreed and shared with the parent/carer and staff. A ban should not deprive a parent/carer of all rights to communicate with the school.

Detailed records must be kept to show:

- if the decision is taken not to apply the Managing Unreasonable Behaviour Policy when a member of staff asks for this to be done, or
- if the decision is taken to make an exception to the Managing Unreasonable Behaviour Policy once it has been applied
- if the decision is taken not to put a further complaint from this complainant through your complaints procedure for any reason, and
- if the decision is taken not to respond to further correspondence, making sure any further letters, faxes or emails from the complainant are checked for any significant new information

This evidence may be used in Court in the event of a civil or criminal prosecution of the parent/carer, and/or in any appeal brought by the parent/carer to challenge the decision to ban them.

A ban should be considered to be a cooling off period and should not be disproportionately long (preferably weeks not months).

- When imposing a restriction on access, you should have a specified review date and communicate this to the parent/carer in writing
- Restrictions should be lifted and relationships returned to normal unless there are good grounds to extend the restrictions
- You should inform the complainant of the outcome of your review. If restrictions are to

- continue, explain your reasons and state when the restrictions will next be reviewed
- Bans should not be used as a substitute for reporting criminal matters, e.g. assault, criminal damage, public order offences etc. to the police

## **Appendix 4**

### **Policy for Managing Unreasonable Behaviour**

At Ottery St. Mary Primary School we recognise that parents and carers are the single biggest influence on their children and their achievements. Therefore, we are committed to building positive and responsive relationships with parents and carers so that together we can ensure that our young people get the most out of their time with us.

We encourage partnerships with our parents and carers, and work hard to maintain mutual respect and recognition of shared responsibility for the children. However, in a very small minority of cases, the behaviour of a few parents or carers can cause disruption, resulting in abusive or aggressive behaviour towards staff and this will not be tolerated. All members of the school community have a right to expect that their school is a safe place.

Schools are not public places and although parents and carers have rights to attend and enter school premises for legitimate proper purposes, The Education Act of 1996 states that it is an offence for a trespasser on school premises to cause a nuisance or disturbance. The school is entitled to withdraw the implied right a parent or carer has to enter the school, if that parent or carer is violent or aggressive. If the parent or carer then enters the premises, they are in breach of the law, and they can be prosecuted in the criminal courts.

This policy applies to all those that engage with the school and not just to parents.

#### **Behaviours which can lead to a ban include:**

1. Physical or verbal threats towards staff, pupils, or other parents
2. actual violence,
3. damage to property
4. refusal to leave when asked
5. disruption of the running of the school
6. general abusiveness

The headteacher will decide whether the situation has been reached for proposing an actual ban. In extreme circumstances, i.e. if the incident is considered to be very serious, then s/he can issue a short-term temporary ban immediately, if required.

If the issue presents a less immediate threat then the headteacher will consider issuing a warning letter which says that repeats of such behaviour will likely result in a ban. Events may occur in a number of stages and it may be that upon consideration by the headteacher that a warning letter needs to be issued.

The school will write to the parent/carer setting out:

- what has happened and why it is unacceptable
- that the school will consider banning the parent/carer from the school premises
- give a clear explanation of why the ban is proposed
- give the parent/carer 5 working days to respond in writing giving their own version of events
- state the length of the proposed ban and give a review date.

Following receipt of the written response:

- The headteacher will decide whether or not to ban the parent/carer
- The parent/carer will be informed in writing within 3 days of the decision taken
- The terms of any ban will be clear, with explicit paths of communication between the school and the parent
- Pick up and drop off of children will be taken into consideration
- A date for the review will be given, which will take account of what has happened in the interim period
- If no further concerns have arisen regarding the parent's behaviour, a meeting date will be set which will seek to re-establish a productive working relationship between the school and the parent/carer

If a parent/carer wishes to appeal against a ban, they may do so in writing (following the complaints procedure). The first stage of this appeal will be undertaken by an appointed governor who would invite the headteacher to review the matter with a view to lifting the ban. If the outcome to this stage is that the ban is still in place, then the parent may appeal further to a panel of governors according to the usual complaints process.

In some cases the unacceptable behaviour is so extreme (for example, an assault on a member of staff) that the headteacher may feel that there is no alternative but to impose a lengthy or permanent ban. In criminal cases the headteacher should inform the police and should contact their legal advisors (DCC Solicitors in maintained schools).