

Lavington Park Federation

Complaints Policy

Based on WSCC Model Policy



Reviewed by

Marie Bracey, Chair of Governors - March 2018

Signature

Last approved by

Full Governing Body, March 2017 *(no changes since)*

Next Review

March 2019

Introduction

Governing Bodies of maintained schools in England are required by legislation (Section 29 of the Education Act 2002) to establish procedures to deal with complaints relating to the school or to the provision of facilities or services the school provides (other than complaints falling to be established by way of an alternative complaints or other procedure, see below).

The law required GBs to publicise their procedures.

Local Authorities are required to set up procedures for dealing with certain types of complaints, for example complaints about school admissions, collective worship in a school, or school transport. The GB's complaints procedure does not replace the arrangements made for those types of complaint which are dealt with under a separate regime.

All complaints not concerning Religious Education, Collective Worship and other exceptions detailed in Appendix B should be handled via the school complaints procedure.

The Department for Education recommends that GBs ensure any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedures in place.

This model policy is based on a four stage procedure:

- Stage 1 (Informal) - complaint heard by staff member (though not the subject of the complaint)
- Stage 2 (Formal) - complaint heard by the Head teacher
- Stage 3 (Formal) - complaint heard by the Chair of Governors
- Stage 4 (Formal) - complaint heard by the GB's complaints appeals panel.

A dissatisfied complainant must always be given the opportunity to complete the complaints procedure in full.

The timescales set out in this model procedure are guidelines only. The GB can set their own timescales but these must be reasonable and must be adhered to unless there is good reason not to do so.

This guidance has been written with reference to the DfE 'Best Practice Advice for Schools Complaints Procedures 2016 - Departmental advice for maintained schools, maintained nursery schools and local authorities'.

General advice - school complaints and concerns

- School staff need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
- A complaint can be brought by a parent of a registered child at the school, any person who has been provided with a service by the school, or a member of the public from the wider community. This person becomes known as the complainant.
- Where there are communication difficulties, schools may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point.
- At first it may be unclear as to whether the individual is raising a question or expressing an opinion rather than making a complaint. An initial discussion about the issue may help to clarify and decide what may need to happen next.
- If the issue remains unresolved after an informal process of clarifying and attempting to resolve the issue, the initial stage of the formal complaints procedure would follow.
- The requirement to have a complaints procedure need not undermine efforts to resolve a concern informally. In most cases the class teacher, or the individual delivering the service in the case of extended school provision, will receive the first approach. It would be helpful if staff were able to resolve issues immediately, including the issuing of an apology if appropriate.
- Once a complaint has been made the complainant can withdraw it at any time during the complaints process if resolved satisfactorily.
- It is good practice to have a nominated member of staff responsible for overseeing the management of school complaints. Within Lavington Park Federation the Complaints Co-ordinator is Kathie Gyles (Administrative Assistant and Staff Governor). This person is responsible for overseeing the school records, the progress of each complaint, and the final outcome.
- A complaint may be made in person, by telephone, or in writing. A brief note of meetings and telephone calls should always be kept and a copy of any written response added to the record. They should be held centrally in school.
- At each stage in the complaints procedure schools should keep in mind ways in which a complaint can be resolved at the earliest opportunity.
- Complainants should be encouraged to state what school actions they feel might resolve the problem. An admission by the school that the matter could have been better handled is not an admission of fault or negligence.
- An effective complaints procedure will identify areas of agreement between the parties. It is equally important to clarify misunderstandings at an early opportunity to create a positive atmosphere in which to discuss any outstanding issues.
- Complaints should not be shared with the whole GB, except in very general terms, in case a panel of governors without prior knowledge needs to be organised to investigate the complaint.
- This policy will be reviewed annually by the Chair of Governors and will take into account new guidance or legislative changes as set out by the DfE.

A note on parents discussing children with staff, and the use of social media

This note has been added to the model policy by Lavington Park Federation

Parents may make judgements about other people's children and then go on to voice their opinions with other parents or members of staff. This 'finger pointing' can be very damaging, particularly when school staff might already be working very hard to support the positive behaviour of a pupil with complex issues.

The sharing of unfounded opinions can also be based on personal prejudices that lie beyond the school gate. Behaviour outside of school (of both children and adults) is often very different to that which takes place within school, making these situations all the more difficult to manage.

In dealing with these situations staff may be put in a very awkward position, as refuting a parent's allegation (for instance about another child's behaviour) is likely to involve divulging information about another child or third party.

Staff must ensure they behave even-handedly and not allow themselves to collude with a parent expressing an opinion about another child.

Evidence suggests there is a growing trend of parents bullying staff and other pupils. This has been exacerbated by the use of social networking. It is very easy to damage a teacher's career, tarnish the reputation of a school or stigmatise a pupil through unsubstantiated cyber gossip. It could also compromise the safeguarding of children if information about them is shared online.

Research shows that people are much less guarded about what they say online, but slander or defamation of character that takes place online is subject to the same laws and repercussions as things that might be said or written elsewhere. It must be understood that such postings can constitute a criminal offence. We will treat any such occurrences very seriously, and assist members of staff in pursuing such incidents through appropriate legal channels.

School Complaints Procedure

Stage 1 (Informal) - Complaint heard by staff member

- In the first instance the complainant should make an appointment to discuss their concern with the appropriate member of staff.
- The complainant can bring a companion with them to any proposed meeting.
- As good practice a written record will be made of the meeting. All parties will have access to the record.
- The person facilitating the meeting will ensure all parties are clear about any actions that have been agreed as a result.
- This stage will be dealt with as speedily as possible and concluded in writing, as appropriate.
- If no satisfactory resolution is reached the complainant can refer the complaint to the Head teacher (if the Head teacher was not the member of staff the concern was initially discussed with).
- If the member of staff directly involved feels too compromised to deal with a complaint, the Complaints Co-ordinator may consider referring the complaint to another member of staff. The member of staff may be more senior but this is not a requirement. The ability to consider the complaint objectively and impartially is crucial.
- Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if governors did not act unilaterally on an individual complaint outside the formal procedure or become involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

Stage 2 (Formal) - Complaint heard by Head teacher, or by Chair of Governors if the complaint is about the Head teacher

- When a complaint is to move beyond informal stage 1, the Federation's Formal Complaint Form should be completed (see Appendix C).
- Once the complaint has been referred, the Head teacher will gain clarity over the complaint and gain any supplementary information which may lead to resolution at this stage.
- The head teacher should meet with the complainant and/or subject of the complaint, if appropriate.
- The Head teacher should meet, as appropriate, with any witnesses and take a note of any comments made from those involved.
- Notes will be kept of all meetings, conversations and of the receipt of any documentation.
- After establishing all the relevant facts, a written response will be recorded and sent to the complainant. The Head teacher may meet with the complainant to discuss their findings as she decides is appropriate.
- The written record and response will include a full explanation of the decision reached and the reasons for this. If any action is to be taken at the school, this will also be identified.

- The Stage 2 processes will take place within a reasonable time, and usual practice is that this may take up to 10 school days. However, every complaint is different and this may not always be possible. The Head teacher will keep the complainant informed in writing of the ongoing timescale.
- If the complainant is not satisfied with the outcome of the Stage 2 investigation, or the complaint is about the Head teacher, the complainant should write to the Chair of Governors to request that their complaint is considered further.

Stage 3 (Formal) - Complaint heard by the Chair of Governors or another nominated governor

- If the complainant is not satisfied with the response of the Head teacher or the complaint is about the Head teacher, the complainant should write to the Chair of Governors to request that their complaint is considered at Stage 3.
- Once the complaint has been received, the Chair of Governors (or another governor nominated by the Chair) will gain clarity over the complaint and gain any supplementary information which may lead to resolution at this stage.
- The Chair of Governors (or nominated governor) should meet with the complainant and/or subject of the complaint, if appropriate.
- The Chair / nominated governor should meet, as appropriate, with any witnesses and take a note of any comments made by those involved.
- Notes will be kept of all meetings, conversations and of the receipt of any documentation.
- After establishing all the relevant facts, a written response will be recorded and sent to the complainant. The Chair / nominated governor may meet with the complainant to discuss their findings as she / he decides is appropriate.
- The written record and response will include a full explanation of the decision reached and the reasons for this.
- The stage 3 processes will take place within a reasonable time, and usual practice is that this may take up to 10 school days. However, every complaint is different and this may not always be possible. The Chair / nominated governor will keep the complainant informed in writing of the ongoing timescale.
- If the complainant is not satisfied with the outcome of the Stage 3 investigation the complainant should write to the Clerk to the Governing Body - c/o the school office and marked 'Private and Confidential' - to request that their complaint is considered by a Complaints Appeal Panel. This panel will be formed from members of the schools' GB.

Stage 4 (Formal) - Complaint heard by the Governing Body's Complaints Appeal Panel

- The complainant should write to the Clerk of the Governing Body - c/o the school office and marked 'Private and Confidential' - giving full details of the complaint and requesting the Complaints Appeal Panel consider the matter. The Clerk should acknowledge receipt within 5 school days.
- The Chair of Governors, or another nominated governor if the Chair has been involved at any previous stage in the process, will convene a Governing Body Complaints Appeal Panel.

Individual complaints would not be heard by the whole GB at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a

member of staff following a serious complaint.

- In line with good practice a Clerk will be appointed to the Appeal Panel at the start of Stage 4 to support the process and be the point of contact for the complainant.
- The Clerk to the Appeal Panel will
 - Set a convenient date, time and venue for the complaint to be heard
 - Deal with all administration of the procedure
 - Take notes at any meetings
 - Be a single point of contact to facilitate communication between all parties
 - Draft and despatch letters as required
 - Liaise with the LA and other agencies for support or advice.
- The Complaints Appeal Panel must be established by drawing on governors with no prior or direct involvement with the complaint. It should also aim to provide a cross section of governors. If the whole GB 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.
- Neither the Head teacher nor the Chair of Governors must serve on the Complaints Appeal Panel.
- 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 Complaints Appeal Panel will be provided with any collated written material, reports and relevant information and will consider the complaint on the basis of the written evidence available. The Panel may decide to request further clarification from the complainant and Head teacher before writing and notifying them of the arrangements for the formal panel meeting. Any additional information received by the Panel must be shared with all parties prior to the meeting.
- The Panel members will decide how the meeting will be conducted and who is present. The panel should decide whether to meet each party individually or invite all to attend at the same time.
- The Clerk will write to all relevant parties informing them of the date and time of the meeting, whether the Panel will consider written evidence only or will be inviting them to attend, and give an outline of how the meeting will be conducted. The Clerk must include a copy of all relevant documents, policies or procedures that will be considered by the Panel at the meeting. Notification of the Panel meeting must be sent not less than 5 school days before the meeting.

All parties should acknowledge receipt of the meeting notification and all related documentation itemised in the accompanying letter.

- Within reason, the Clerk will arrange a date and time for the Panel meeting that is convenient to the complainant and other relevant parties if they are attending in person.
- The complainant has a right to be accompanied to the meeting by a friend / representative.

The friend/representative may:

- Confer with the complainant during the meeting
- Ask questions of witnesses
- Sum up the complainant's complaint if requested by them.

The friend/representative may not:

- Answer questions on the complainant's behalf
- Address the Panel if the complainant does not wish it
- Prevent the complainant from summarising the complaint.
- Good practice requires all written evidence to be submitted prior to the meeting wherever possible so that it can be considered by all parties.
- If necessary the Panel meeting will be adjourned if there is insufficient time to consider extra evidence received at the start of the meeting, to enable it to be circulated and considered by all parties.
- The Panel may wish to call witnesses to the meeting.
- The complainant, and other parties previously involved in the complaint if invited, can expect the following process to be followed :
 - The hearing will proceed in an informal but appropriate manner
 - Witnesses shall be present only for the part of the meeting relevant to their involvement and may not remain for the entire hearing (at the discretion of the Panel Chair)
 - Introductions shall be made by all parties present
 - The complainant will be invited to explain the complaint
 - The Head teacher will be invited to explain the reasons for decisions reached up to this point
 - If all parties are in attendance together, the complainant may then question the Head teacher
 - If all parties are in attendance together, the Head teacher may then question the complainant
 - The Panel may ask questions of any party at any time
 - Witnesses, subject to prior approval by the Chair of the Panel, will be called
 - All parties have the right to question all witnesses
 - The complainant will be invited to sum up their complaint, and then the Head teacher will be invited to sum up the school's position and response to the complaint.
- At the conclusion of the Complaints Appeal Panel hearing the Chair will inform the complainant and the Head teacher that the Panel will consider its decision in private and will send a written response within 10 school days. At this point all parties other than Panel members and the Clerk must leave the meeting.
- The Panel will consider the original written complaint, along with all subsequent evidence that has been presented both orally and in writing. The remit of the Panel is:
 - to dismiss the complaint in whole or in part
 - to uphold the complaint in whole or in part
 - to decide what, if any action should be taken to resolve the complaint
 - to recommend any changes, if appropriate, to the school's processes or systems to ensure similar complaints do not arise again in the future.
- The panel will present their findings in writing.
- The Clerk or Chair of the Panel will ensure the written findings outlining the Panel's decision are sent to both the complainant and the Head teacher.
- Stage 4 should be completed in 25 school days. However, this may not always be possible, especially if a complaint is complex; where that is the case, the Clerk will ensure both parties are written to and advised of the revised target date.
- There is no right of appeal against the Governing Body Complaints Appeal Panel

decision. If the complainant remains dissatisfied and believes the Panel has acted unreasonably in response to the complaint, the complainant should be advised to write to the School Complaints Unit (SCU) at: Department for Education, 2nd floor, Piccadilly Gate, Manchester M1 2WD - or in some circumstances Ofsted, if the complaint is likely to lead to a determination there is a need to inspect. (See below.) Ofsted cannot seek to resolve any individual complaint.

Role of the Secretary of State, Department for Education, School Complaints Unit

For the School Complaints Unit to become involved they would need to be sure that

- the school has acted or is proposing to act unreasonably in the exercise of performance of its functions imposed by or under the Education Act 1996
- OR the school has failed to discharge any duty imposed by or for the purposes of the Education Act 1996.

If the complainant believes that this is the case they should refer to the Department for Education website where guidance can be found to support the next part of the process. The relevant guidance can be found at <https://www.gov.uk/complain-about-school>

The complainant may find the following useful :

- Further information can be obtained from the SCU by calling the National Helpline on 0370 000 2288 or by going online to www.education.gov.uk/help/contactus
- The complainant must complete a complaints form and return it online or by post to the Department for Education, School complaints Unit, Second floor, Piccadilly Gate, Store Street, Manchester M1 2WD
- Copies of relevant documentation relating to the complaint may be sent with the form
- The DfE will inform the complainant who will be handling the case and a timescale for the process when they have received the form
- The DfE aim to respond initially within 15 working days but update the complainant if the timescale is longer.

If the complainant remains unhappy with the service given by the DfE in processing the complaint they would need to contact the DfE complaints department and follow the DfE Complaints procedure.

Role of Ofsted

Ofsted will not investigate cases to do with individual pupils.

A complainant can complain to Ofsted about any state school if there is a problem that affects the whole school. This includes problems with the quality of education or poor management.

Ofsted have an online form and aim to respond within 30 working days. Their initial response will tell you if Ofsted will investigate or not, and why.

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

Serial and Persistent Complaints

There will be occasions when, despite all stages of the school's complaints procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the process by writing to the Chair of Governors (or any member of school staff)

with the same complaint, the Chair of Governors may respond to them in writing that all stages of the school's complaints procedure have been exhausted and that the matter is now closed.

Sample Response to Unreasonable Complainants

“Lavington Park Federation 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.

Lavington Park Federation 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 cooperate 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 they expect 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 it 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 it 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 on social media websites and in newspapers.

Complainants should try to limit the amount 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 Head teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Head teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school, causing a significant level of disruption, the school may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six 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 informed. This may include banning an individual from school premises.

Further guidance about how to deal with such complaints can be found on page 10 of the Best Practice Advice for School Complaints Procedures 2016

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/489056/Best_Practice_Advice_for_School_Complaints_2016.pdf

(This document is separately filed together with this policy at I:/Policies/General School Policies and Documents.)

APPENDIX A

Complaints on Religious Education and Collective Worship

Background

A complaints procedure was set up in 1990 for religious education and collective worship that set up arrangements for consideration and disposal of any complaint which is to the effect that the authority or the GB of any community school has acted or are proposing to act unreasonably with respect to the exercise of any power in relation to

- any provision of religious education or collective worship
- any enactment relating to religious education in the curriculum or religious worship in maintained schools

or have failed to discharge any such duty.

Categories of Complaints

- the provision of religious education and worship which meets the general requirements set out in acts of parliament
- the establishment of a Standing Advisory Council on Religious Education (SACRE) and the review of the agreed syllabus.

Stages of Complaint

Informal:

Concerns expressed by parents and others should be dealt with, as far as possible, by informal discussions with teachers and Head teachers. At this stage the LA could be involved in trying to resolve the issue informally. It is not the intention that expressions of concern should be considered as complaints.

Formal :

If the concern is not resolved at the informal stage then it becomes a complaint and is considered by the GB of the school or a panel thereof.

If the concern is not resolved by the GB then the complaint is considered by a panel of the Standing Advisory Council on Religious Education or the relevant Church.

Complaints heard by SACRE

Any panel of SACRE set up to hear a complaint shall consist of the chairman or vice chairman of SACRE together with two other members, at least one of whom shall be a member of the county council.

Complaints in Aided or Special Agreement Schools

Complaints relating to Religious Education or collective worship in Aided or Special Agreement schools will be heard by a panel set up by the appropriate Church authority.

Complaints in Controlled Schools

Complaints relating to religious education in controlled schools will be heard by a panel of SACRE.

Complaints relating to collective worship will be heard by a panel set up by the appropriate church authority.

Contacts

In relation to complaints regarding religious education or collective worship in community schools:

West Sussex County Council

Tel: 03330 142 903

In relation to complaints regarding religious education or collective worship in C of E Aided schools or collective worship in C of E Controlled schools :

Diocesan Director of Education

Church House, 211 New Church Road, Hove BN3 4ED

In relation to complaints regarding religious education or collective worship in Roman Catholic Aided and Special Agreement schools :

Director of Education

Diocese of Arundel & Brighton Christian Education Centre (DABCEC)

4 Southgate Drive, Crawley RH10 6RP

Reviewed June 2016

APPENDIX B

Complaints not in scope of the procedure

A complaints procedure should cover all complaints about any facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

| Exceptions | Who to contact |
|--|--|
| <ul style="list-style-type: none">• Admissions to schools• Statutory assessments of Special Educational Needs• School re-organisation proposals• Matters likely to require a Child Protection investigation | Concerns should be raised direct with LA. For school admissions, it will depend on who is the admission authority - either the school or the LA. Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman. |
| <ul style="list-style-type: none">• Exclusion of children from school | Further information about raising concerns about exclusion can be found at www.gov.uk/school-discipline-exclusions/exclusions |
| <ul style="list-style-type: none">• Whistleblowing | Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on 0300 123 3155, via email to whistleblowing@ofsted.gov.uk , or by writing to Whistleblowing Hotline, Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education. |
| <ul style="list-style-type: none">• Staff grievances and disciplinary procedures | These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation. |
| <ul style="list-style-type: none">• Complaints about services from other providers who may use school premises or facilities | Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct. |

APPENDIX C

Formal Complaint Form



Lavington Park Federation

Formal Complaint Form

Please complete and return this (two-sided) form to the Complaints Co-ordinator c/o Graffham School Office, marked Private & Confidential. The Head teacher will acknowledge receipt and explain what action will be taken.

| |
|---------------------------------------|
| Your name |
| Pupil's name |
| Your relationship to the pupil |
| Your address, including 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 have you spoken to, and what response did you receive?)

What actions do you feel might resolve the problem at this stage?

If you are attaching any paperwork to this form, please note details below

Signature

Date

Official use only

Date acknowledgement sent

Acknowledgement sent by

Complaint referred to

Date