

# St Helena's Church of England Primary School Policy for PARENTAL COMPLAINTS ABOUT SCHOOL

## Reference Points

- . Education Act 1996 (Sections 496 & 497)
- . Education Act 2002 (Section 29)
- . Apprenticeships, Skills, Children and Learning Act ("The Act") 2009
- . The Education (Independent School Standards) Regulations 2010
- . Education Act 2011
- . 'Complaints About Schools - Model Procedure' (see attached appendix 1)

## Contact Point

LA & School Community Liaison Officer (01522-554884)

## GUIDANCE for COMPLAINANTS:

### Introduction

All schools in England are required to have a procedure in place for dealing with complaints relating to the school and any community facilities or services that the school provide.

In this school all staff are dedicated to giving all children the best possible education and caring properly for their health, safety and welfare at all times. We are committed to working closely with parents/carers and believe that school and parents/carers must work together in partnership, each carrying out our own particular responsibilities to help pupils gain the most from their time in school. We also desire to have good relations with our neighbours and the wider community.

If you feel that something is not going quite as you would like it to, that we are doing something that you are unhappy with, or not doing something that you feel we should, please tell us about it.

#### . The first step:

Please arrange to discuss any concerns with your child's class teacher, or with the particular teacher concerned. We hope that most problems can be sorted out this way. If you are not the parent/carer of a child at our school, please start at the second step and make contact with the Headteacher to discuss your concerns.

#### . The second step:

If, after speaking to your child's teacher, and having allowed sufficient time to deal with the issue, you do not feel that your complaint has been properly dealt with, or if your concern is about the conduct of a particular teacher, then you should discuss the matter with the headteacher. In almost all cases we can sort things out satisfactorily in this way.

. The third step:

You should make a formal written complaint to the headteacher, unless the complaint is about the conduct of the headteacher.

You should receive an acknowledgement from the headteacher within five school working days. The acknowledgement letter should also indicate the date by which you can expect to receive the headteacher's written response to your formal complaint letter.

. Taking matters further:

If you are dissatisfied with the headteacher's response to your formal complaint letter, or if your complaint is about the conduct of the headteacher, then you will need to contact the governors.

You should send written details of your complaint, with any correspondence and evidence to support your complaint, to the Clerk to the Governors at the school address. If, for some reason, you do not feel able to do so, you should contact the Clerk, via the school, who will record your complaint as a statement for you to sign.

The Clerk to Governors will write to acknowledge receipt of your complaint within five school working days. The acknowledgement letter will explain the process which is to be followed and the expected timescale for that process.

The governors will consider your complaint and write to advise you of the outcome within the timescale provided by the Clerk to Governors.

If, at any stage of the process, we believe we are unable to meet the timescales which have been provided to you, we will contact you to inform you of the reasons for any delay and to provide you with a new timescale for the conclusion of that part of the process.

. External Appeal:

The decision of the governors is normally final; however, if you are dissatisfied with the governors' response, you may be able to take your complaint to an external body.

For certain complaints about schools maintained by the Local Authority, complainants can write to the Secretary of State for Education.

You must do this in writing, either by post to:

School Complaints Team  
Department for Education  
Castle View House  
East Lane  
Runcorn, WA7 2GJ

Or, by using the online School Complaints form. This can be accessed at:

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

You should be aware that the Secretary of State for Education will usually only consider a complaint once the school's internal processes have been exhausted. For the Secretary of State to intervene in a matter, he would also need to be sure that:

. The school has acted or proposes to act unreasonably in the exercise or performance of its functions under certain legislation. Or, the school has failed to carry out a duty at all under certain legislation.

### Time Limits

You should make the school aware of your complaint as soon as possible after the matter or incident has occurred or come to light. Usually, we would expect you to do this within three months and if you do not contact the school within that time, we will not usually consider your complaint.

If your complaint relates to a continuing act, then occurrences outside of the three-month time limit will usually be considered alongside the more recent occurrence.

If you feel there are exceptional circumstances that have prevented you from meeting the time limit, you can provide an explanation of these circumstances along with your complaint so that Governors can take them into account.

The final decision rests with Governors as to whether your complaint will be considered when it is raised outside of the three-month time limit.

### Unreasonable Complainant Behaviour

Staff and Governors are keen to ensure that all genuine complaints are dealt with fairly and promptly and in accordance with our agreed procedures. We would again emphasise that most matters can be resolved by discussing issues with our staff at the informal stages of our procedure.

Regrettably, there are times when complainants raise issues with or about staff in ways which are unacceptable. This can cloud the concern at the heart of the complaint, which may result in the delay or hindrance of a resolution. It can also have an adverse effect on pupils, staff and the effective running of the school. Examples of behaviours that we consider to be unacceptable, whether face to face or via social media are as follows:

- . Using abusive or threatening language and/or behaviour
- . Making excessive demands on staff time and resources in pursuit of a complaint, whether in person, by phone, email or letter
- . Harassing individual staff members in a way which appears intended to cause personal distress rather than to find a resolution
- . Refusing to cooperate with the complaints procedure as set out in this policy

- . Persisting in repetitious complaints when these have been previously determined under the school complaints procedure
- . Changing the basis of the complaint as the consideration proceeds and/or making unjustified complaints about those trying to deal with the complaint
- . Pursuing unreasonable outcomes which are disproportionate to the nature of the matters in hand
- . Electronically recording meetings, telephone calls and conversations without the prior knowledge and consent of the other persons involved

The school expects that any person wishing to raise a concern or complaint will:

- . Follow the school complaints procedure.
- . Treat all members of the school community with courtesy and respect.
- . Recognise the time constraints that staff operate under and allow them a reasonable amount of time in which to respond / address any issues.

Where a complainant raises a complaint in a manner which the school feels is unreasonable, actions may be taken to remedy this. The actions will be proportionate to the nature of the behaviour and may include:

- . An informal approach to inform the person that the behaviour is unacceptable and needs to be modified
- . A formal written communication advising the person that the behaviour is unacceptable and appropriate action may be taken if the behaviour is not modified
- . Setting limitations on the method and frequency of contact with staff / school personnel
- . Refusing to register and process further complaints about the same or similar subject matter where the matter has already been determined, or where complaints are vexatious, or where complaints are personally harassing and deliberately targeted at one or more members of staff without good cause
- . Setting limitations on the person's access to the school site

It should be noted that parents/carers and members of the wider community do not have an automatic right to enter school grounds and may be banned or prevented from entering the school site with immediate effect after an incident where behaviour has been verbally and/or physically aggressive.

Any restrictions placed on a person as a result of this policy will be time limited, with a specified date as to when the restrictions will be reviewed and potentially lifted.

Again, we would emphasise that the Headteacher and Governing Body are committed to ensuring a full and fair consideration of all legitimate complaints and we recognise that the majority of parents/carers and members of the wider community will conduct themselves in accordance with this policy. However, we reserve the right to take any necessary actions under this policy in those rare cases where a person does not.

(Note: No complaint should be summarily dismissed as vexatious, but should be carefully assessed first. Caution should be exercised before taking any of the actions outlined above and responses must be proportionate. Further advice and support is available from the LA & School Community Liaison Officer.)

It is the responsibility of all adults in school to ensure that this policy is put into practice. We will endeavour to create a positive climate for learning.

All our children are entitled to the best start we can provide in the lifelong process of learning.

This policy was agreed by the Governing Body and will be reviewed every year or before if legislation changes.

B02 - APPENDIX 1B

COMPLAINTS ABOUT SCHOOLS - MODEL COMPLAINT FORM

Please complete and return to the Headteacher or the Clerk to Governors depending on the stage of your complaint. You will receive an acknowledgement and an explanation of the process.

Your name:

Pupil's name:

Your relationship to the pupil:

Your address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

What action, if any, have you 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 only

Date acknowledgement sent:

By whom:

Complaint referred to:

Date of referral:

## B02 - APPENDIX 2

### COMPLAINTS ABOUT SCHOOLS - GUIDANCE FOR GOVERNORS

Governors Complaints Procedure - refer also to flow chart at end of this section

#### General Principles

. If a person is not satisfied with the response from the headteacher regarding a complaint or if a complaint is about the headteacher, then he/she is entitled to take the complaint to the Governing Body.

. All complaints to the Governing Body must be in writing and should include full details of the complaint, enclosing any supporting evidence. This should be sent to the Clerk to the Governors, care of the school. The Clerk will then ensure the complaints process is started as soon as practicable (a complainant can request that the Clerk to the Governors write down the complaint on their behalf where writing a letter is difficult).

. A minimum of three governors should be selected to form a complaints committee to consider the complaint. It is recommended that the Chair of Governors is not on this committee. Those governors chosen should ideally have no knowledge whatsoever of the details surrounding the complaint or of the complainant themselves.

. It is appreciated that this may not always be possible, particularly in some rural schools. However, the Governing Body should always try to find impartial governors whenever possible.

. Once the complaints committee has been formed, they must then decide how they wish to consider the complaint.

. Governors of LA maintained schools effectively have two options available.

They can choose to deal with the complaint by means of an oral hearing or through written representations, but in making their decision they must be sensitive to any needs the complainant has. The LA advises maintained schools that, wherever possible and appropriate, it should be through written representations.

#### Oral Hearings

. If the governors of a maintained school choose to have an oral hearing, the complainant will be invited to attend a meeting where they will be able to put their complaint personally to the governors. The headteacher should also be present to respond to the complaint. Teachers should not attend. If their evidence is needed, it should either be obtained via the headteacher, or where this is not appropriate, by a governor either before or after the meeting with the complainant.

Written evidence should generally be made available to both parties in advance of the hearing, subject to any data protection constraints. Please seek advice from the Data Protection Officer at County if there are concerns as to what materials can be shared. The governors will only make a decision about the complaint once they have heard the complainant's and the school's evidence.

. The structure of such a meeting should be flexible. However, it is anticipated it will follow a similar process to admission appeals. The Chair of the Committee should outline the procedure. The complainant will then present his/her case. The complaints committee should have familiarised themselves with the written complaint before the meeting opens and will then have an opportunity to ask any questions, as will the headteacher. The complaint should then be responded to by the headteacher and both the complainant and the committee will have the opportunity to ask questions. Each party can then be asked to summarise their position in brief. Both parties will then leave to allow the governors to make their decision in private. The complainant and the headteacher should enter and leave the room at the same time; neither should be alone with the committee.

. Both the complainant and headteacher are entitled to bring a representative with them if they wish. Although it would not normally be necessary, either party may bring a legal representative if they wish. Either party intending to bring a representative would be expected to contact the Clerk to the Governors before the hearing to notify them.

### Written Representations

. If the governors do not wish to hold an oral hearing - that decision being at the discretion of the complaints committee - the consideration will proceed by way of written representations.

. Should the governors choose to adopt this procedure, the Clerk to the Governors will write to the complainant, outlining the procedure.

. The complaint will be forwarded to the headteacher who will then have 7 working days in which to respond.

. That response will then, in turn, be sent to the complainant for comment, any responses to be provided within 7 working days.

. Finally, that response will go to the headteacher who has 7 working days in which to respond to the Clerk.

. A copy of the headteacher's final response should be sent to the complainant, with the advice that it is only for their information and that any further response will not be considered except in exceptional circumstances.

- . All the responses are then put before the complaints committee for consideration.
- . For the avoidance of doubt, all communication should be through the Clerk to the Governors, neither party should send their response to the other directly.

### Adjudications

- . Regardless of which method is adopted, the complaints committee must take a robust approach and not simply endorse the decision of the headteacher without any consideration of the evidence.
- . The complaints committee must have all the necessary evidence they feel is necessary for them to make their decision. If they are not satisfied and require further evidence from either party, they should adjourn and request that information. The complaints committee should only make their decision if they are satisfied they have sufficient evidence with which to make a final decision.
- . The decision of the complaints committee should be given to the complainant in writing within 5 working days of the decision. Providing the procedures as laid down in the complaints policy are followed then there is no right of appeal following this decision.
- . The decision letter should outline the nature of the complaint, the factors taken into consideration and the decision of the complaints committee. There is therefore no need for minutes to include any other information.
- . Under the Data Protection Act, complainants can request to have sight of all documents relating to their complaint, subject to restrictions as detailed in Section A06 of this handbook.

It is important that the complaint and associated papers are not attached to a child's file as they do not relate to the child. However, schools may wish to keep a central register of complaints received.

B02 - APPENDIX 3

COMPLAINTS ABOUT SCHOOLS - MODEL LETTERS

Letter 1- Written Representations - Maintained Schools

(Sample letter of acknowledgement from Clerk to Governors to Complainant)

Dear

Reference: Your complaint against (Name of school)

I write to acknowledge your letter dated (insert date) and to confirm that your letter is being considered under our school complaints procedure.

The Governors' Complaints Committee will now be convened to consider your complaint and, in line with the Local Authority's guidance, their adjudication will proceed by way of written representations.

Your letter has been forwarded to the headteacher, who will have 7 working days in which to provide a response.

The headteacher's response will then be sent to you for your further comments, any response to be provided within 7 working days.

Finally, your further comments/response will go to the headteacher who has 7 working days in which to respond.

A copy of the headteacher's final response will be sent to you for information only. No further submissions or responses will be considered except in exceptional circumstances. All the responses will then be put before the complaints committee for consideration.

For the avoidance of doubt, all communication should be through me, as the Clerk to Governors; neither party should send responses to the other directly.

I will forward the Headteacher's first response to you in due course.

Yours sincerely

(Clerk to Governors is the signatory)

## Letter 2 - Written Representations - Maintained Schools

(Sample covering letter from Clerk to Governors to Complainant when forwarding Headteacher's 1st response)

Dear

Reference: Your complaint against (Name of school)

I write further to my letter dated (insert date).

As detailed in my previous letter, please find enclosed a copy of the headteacher's response for your information and further comment.

Should you wish to submit any comments and/or provide further supporting evidence to support your complaint, you have 7 working days from receipt of this letter to provide these. Please address your envelope to the Clerk to Governors, care of the school address.

If a submission is received from you within 7 working days, then the headteacher will have 7 working days in which to provide a further response. If no response is received from you, then the Committee will consider your complaint based on the information submitted.

I look forward to receiving your additional comments by (enter date of 7th working day from their receipt of your letter).

Yours sincerely

(Clerk to Governors is the signatory)

### Letter 3 - Written Representations - Maintained Schools

(Sample covering letter from Clerk to Governors to Complainant when forwarding Headteacher's 2nd/final response)

Dear

Reference: Your complaint against (Name of school)

I write to acknowledge receipt of your additional comments / supporting evidence, received on (insert date).

As detailed in my previous correspondence, I now enclose a copy of the headteacher's final response to your additional comments. This is provided for information purposes only and no further contributions will be accepted except in the most exceptional of circumstances.

All the papers concerning your complaint will now be put before the Committee for consideration. It is anticipated the meeting will take place on /during the week commencing (insert date).

The Committee will write to inform you of the outcome of your complaint within five working days of this meeting having taken place.

Yours sincerely

(Clerk to Governors is the signatory)

#### Letter 4 - Written Representations - Maintained Schools

(Sample decision letter from Chair of the Governors' Complaints Committee to Complainant)

Dear

Reference: Your Complaint against (Name of School)

I write further to your letter dated, which outlined in detail your complaint regarding the (Name of school).

I confirm that the Governors take any complaint extremely seriously and a complaints committee comprised of three governors was convened in order to fully consider this matter.

The Committee also wish to take this opportunity to thank both yourself and the school for providing detailed paperwork. The Committee thoroughly considered all the documentation submitted and spent some considerable time discussing your complaints before reaching a decision.

To assist with the adjudication and for the purpose of clarity for all concerned, the Committee thought it best to assess each complaint against headings broadly stipulated in your original written complaint. Where it is meaningful and helpful to do so, the complaints have been grouped under a common heading.

1. (Use appropriate heading to summarise the relevant element of the complaint)

Briefly outline this element of the complaint

Summarise your findings in relation to this element of the complaint

Clearly state whether this element is upheld, dismissed or upheld in part.

Identify any recommendations for the Governing Body

Please see the following sample:

1. Failure to address bullying

The Committee considered your complaint that the school had failed to take any action when you reported that XXX was being bullied by an older child within the school.

The Committee carefully reviewed all of the documentation relating to this issue and found that the school had taken numerous actions, both to deal with the behaviour of the perpetrator and to safeguard your child. We note that the headteacher met with you and

provided detailed information as to the safeguarding measures, but refused to discuss the sanctions applied to the perpetrator. The Committee recognise that this has caused you considerable frustration. Whilst the Committee would concur with the headteacher's view that it is not appropriate to share confidential details relating to a child for whom you have no parental responsibility, we feel that a timely assurance that sanctions had been applied in line with our behaviour policy may have provided you with the necessary confidence that matters were being dealt with appropriately.

The Committee cannot uphold your complaint that the school failed to address the bullying of your child. However, we do recommend a review of the school's practice in keeping parents informed of actions taken in response to reports of bullying.

(All final decision letters must include details of a complainant's right to refer a complaint to the Department for Education)

### Right of Appeal

The Committee has reached its decision after a careful and thorough consideration of all the documents associated with your complaint and this decision letter now concludes the school's internal complaints procedure. However, should you remain dissatisfied, you may refer your complaint to the School Complaints Team within the Department for Education. Referrals must be made in writing, either by post to:

School Complaints Team  
Department for Education  
Castle View House  
East Lane  
Runcorn, WA7 2GJ

Or, by using the online School Complaints form. This can be accessed at:  
<https://www.gov.uk/complain-about-school>

For the Secretary of State to intervene in a matter, he would need to be sure that:

- . The School has acted or proposes to act unreasonably in the exercise or performance of its functions under certain legislation
- . Or, the school has failed to carry out a duty at all under certain legislation.

(Your letter should end on a positive note.)

It remains to thank you for bringing your concerns to our attention. It is important to the effective running of any school to have a process whereby parents can raise concerns in a constructive manner. Indeed, it is through such processes that potential improvements are

often identified and delivered, contributing significantly to school improvements and safety for the benefit of all.

Yours sincerely

(Signatory is usually the *Chair of the Complaints Committee*)

## Letter 5 - Invitation to a Hearing - Maintained Schools

(Sample letter from the Clerk to Governors inviting the Complainant to a hearing)

Dear

Reference: Your complaint against (Name of school)

I write to acknowledge your letter dated (insert date) and to confirm that your letter is being considered under our school complaints procedure.

The Governors' Complaints Committee has been convened to consider your complaint and the Committee has decided that their adjudication will proceed by way of an oral hearing.

For this purpose, you are invited to attend the meeting of the Complaints' Committee at (time) on (date) at (place).

At this meeting you will be given the opportunity to present your case to the Complaints Committee. The headteacher will also attend to present the school's case. You will present your complaint first and the headteacher and the Committee may then ask you questions. The headteacher will then present the school's case and both you and the Committee may then ask the headteacher questions. You will then both be given an opportunity to present a brief summary of your respective positions and after this you will both leave the hearing. The Committee will write to you within five school working days to inform you of their decision.

You may bring a representative with you to the meeting if you wish. If you do intend to bring a representative, please notify me so that I can make necessary arrangements.

If you have any written evidence which you intend to use to support your complaint, please forward copies to me by (date) so that these can be shared with the Complaints Committee and the headteacher in advance of the meeting. Meanwhile, I am enclosing the headteacher's supporting documents for your information. Please note that if materials are presented for the first time at the hearing itself, the meeting may be adjourned to allow the other party time to consider it.

For the avoidance of doubt, all communication should be through me, as the Clerk to Governors; neither party should send responses to the other directly.

Please confirm your attendance by (date).

Yours sincerely

(Clerk to Governors is the signatory)