



Complaints Policy

January 2018

Approved by the Governing Body Strategy Group 17/01/18

**This Policy is due for renewal in Term 3
2019–20**

COMPLAINTS POLICY

OF

GODINTON PRIMARY SCHOOL

Within this policy the Godinton Academy Trust is referred to as Godinton Primary School or the school, the Principal of the Academy Trust is referred to as the Headteacher and the Board of Trustees is referred to as the Governing Body.

Reference to parents includes carers of children in the school.

SECTION ONE: INTRODUCTION

- 1.1 We believe that our school provides a good education for all our children, and that the headteacher and staff work very hard to build positive relationships with all parents/carers. However, the school is obliged under Section 29 of the Education Act 2002 to have procedures in place to deal with concerns and 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.
- 1.2 The Governors believe that complaints should be taken seriously and feel that a robust procedure for dealing with complaints is an important part of the schools development requiring the support of the Headteacher, Governors, staff and complainants.
- 1.3 This policy outlines how the school will approach all complaints received and incorporates the procedure the school will follow to address them.
- 1.4 In considering complaints the school will take account of all guidance and legislation relating to the complaint.
- 1.5 If any parent/carer is unhappy with the education that their child/ward is receiving, or has any concern relating to the school, we encourage them to talk to the child's class teacher in the first instance.
- 1.6 If a person other than a parent / carer has any concern relating to the school we encourage them to talk to the headteacher in the first instance.
- 1.7 If an individual governor is approached about a complaint they will direct the complainant to a member of staff or the Headteacher with a view to resolving the issue informally in accordance with this policy. The governor will not become involved in any detail of the complaint at this stage.
- 1.8 Any matters that cannot be resolved by speaking to the class teacher will be considered following the Complaints Process.
- 1.9 All complainants have the right to complain to the Education Funding Agency if they are dissatisfied after the Governing Body have dealt with their complaint.
- 1.10 It is expected that the complainant shall have made reasonable attempts to seek

an informal resolution and shall have acted in relation to the matter in a reasonable and measured way. The Chair of Governors shall have a discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this has not been met.

- 1.11** An anonymous concern or complaint will not be investigated under this process unless there are exceptional circumstances.

SECTION TWO: AIMS AND OBJECTIVES

2.1 Aims :

- 2.1.1** To be fair, open and honest when dealing with any complaint.
- 2.1.2** To treat any complaint seriously and courteously and give the complainant confidence in the complaints procedure and that the matter will be impartially investigated.
- 2.1.3** To follow this policy and procedures in dealing with all complaints.
- 2.1.4** To balance the rights and responsibilities of pupils, complainants, Governors and school staff, and to recognise that responsibilities rest with all of these.
- 2.1.5** To resolve any complaint through the involvement of all interested parties.
- 2.1.6** To put the interests of the child above all other issues.

2.2 Objectives :

- 2.2.1** To reach a swift resolution to the complaint having provided sufficient opportunity for it to be fully investigated and full and careful consideration given to the facts available.
- 2.2.2** To learn from the complaints procedure and outcomes of individual complaints to ensure a robust process for dealing with complaints is maintained and lessons learned are acted upon.

SECTION THREE: GENERAL PRINCIPLES

3.1 Confidentiality :

It is recognised that it is important to secure the confidence of all concerned. Conversations and correspondence will be treated with discretion and parents are assured that a complaint will not disadvantage their child. All parties will be asked to keep all aspects of the complaint confidential but it must be accepted that some information may have to be shared in order to carry out a thorough investigation. Details of the complaint and outcome of the investigation will be limited to Staff and Governors involved with the complaint. This will include staff and Governors investigating the complaint or those called as witnesses. All other Staff and Governors will be advised that a complaint has been made, confirmation

of the action taken and items highlighted by the investigation requiring action. The identity of those involved will be limited to those involved in the investigation.

3.2 Complaints against Staff :

A member of staff that is the subject of a complaint will be given the opportunity to respond to the complaint and will be able to see the response sent as a result of the investigation.

3.3 Staff Discipline or Capability:

If the complaint becomes a disciplinary or capability issue, the process under this policy will be suspended and the matter taken forward by following the appropriate procedure. Complainants will be advised that the complaint is to be considered under a different procedure and given a revised target for providing a response.

SECTION FOUR: THE COMPLAINTS PROCESS

4.1 Stage One – Discussion with Relevant Member of Staff:

- 4.1.1** If a parent has any concern about an occurrence in school it would usually be appropriate in the first instance to communicate directly with the member of staff concerned. This may be in writing, telephone or in person (by appointment). Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved at this informal stage. See Appendix 1 – Complaints Form
- 4.1.2** If a parent/carer is concerned about anything to do with the education that the school is providing, they should, in the first instance, discuss the matter with their child's/ward's class teacher. It is important for our teachers to ensure the happiness of each child and that they are making good progress. The class teacher should be advised if there is a perceived problem to enable the issue to be investigated and addressed before it has a detrimental impact on the child's progress.
- 4.1.3** If a person other than a parent /carer is concerned about anything to do with the school, they should, in the first instance, discuss the matter with the headteacher.
- 4.1.4** When advised of a concern the class teacher / headteacher will arrange to see the complainant within five school days, at a mutually convenient time, to ensure the concern can be meaningfully discussed.
- 4.1.5** It is expected that in the majority of cases the discussion will resolve the matter and lead to verbal agreement on the way forward. The discussion will not be documented unless a specific request is made by the complainant to do so.

- 4.1.6** Where it is necessary for the Class Teacher / Headteacher to carry out an investigation or seek advice from others in order to respond to the concern they will advise the complainant of the outcome of their investigation, or progress they have made, within ten school days of the meeting. If a resolution has not been achieved in ten school days agreement will be reached with the complainant on how updates on progress will be provided. Any discussions during this process will not be documented unless a specific request is made by the parent / carer to do so.
- 4.1.7** In the case of concerns from parents/carers, if they are unhappy with the response from the class teacher or member of staff, they may wish to talk to a member of the Senior Leadership Team before making a formal complaint as outlined in Stage Two below.
- 4.1.8** When informal action has been concluded the complainant will be informed that if they are unhappy with the response they can make a formal complaint under Stage 2 of the policy. They will be advised that such a complaint should be in writing, telephone or in person outlining briefly the facts and stating what it is that they consider should have been done or where the Academy has not met reasonable expectations. See Appendix 1 – Complaints Form.

4.2 Stage Two – Consideration by the Head Teacher or Chair of Governors :

If a complaint cannot be resolved by the informal process it will be considered formally by the Headteacher or, if the complaint relates to the Headteacher, by the Chair of Governors.

4.2.1 Consideration by the Headteacher :

- 4.2.1.1** Where a complainant feels that their concern has not been resolved through the informal approach, or that their concern is of a sufficiently serious nature, they must contact the Headteacher in writing, by telephone or in person outlining the facts and stating what it is that they consider should have been done or where the Academy has not met reasonable expectations. Complainants may wish to use the Complaint Form attached as Appendix 1 for this purpose.
- 4.2.1.2** Within three school days of receipt of a complaint the Headteacher will acknowledge its receipt and provide the complainant with a copy of the complaints policy. The acknowledgement will include a target date for providing a response to the complaint and offer the complainant the opportunity to meet with the Headteacher to discuss the complaint.
- 4.2.1.3** If the complainant declines the offer of a meeting to discuss the complaint the Headteacher will investigate the complaint using all available information. This will include seeking information from staff directly involved in matters raised by the complainant and accessing documentary evidence held within the school or available to it.

- 4.2.1.4** If the complainant accepts the offer of a meeting the Headteacher will, within three school days, contact the complainant to arrange a mutually convenient appointment to discuss the matter. The complainant can choose to be accompanied to the meeting by a friend, relative or representative. The Headteacher may ask a member of staff who is not directly involved in matters raised by the complainant to be present at the meeting to take notes of the proceedings to aid in the complaint investigation.
- 4.2.1.5** Following the meeting with the complainant the Headteacher will investigate the complaint using all available information. This will include seeking information from staff directly involved in matters raised by the complainant and accessing documentary evidence held within the school or available to it. Other persons who meet with the Headteacher as part of the investigation can choose to be accompanied to the meeting by a friend, relative or representative.
- 4.2.1.6** The Headteacher will provide a response to the complainant having obtained and given full and careful consideration to the available evidence, including information obtained at meetings with all parties and documentary evidence relating to the complaint. The response will be issued in writing within fifteen school days of either the date of the letter sent acknowledging receipt of the complaint (if interested parties elect not to attend a meeting with the Complaints Panel) or the last meeting held with an interested party. It will advise whether or not the complaint is upheld and an explanation of the decision and the reasons for it. If the investigation reveals the need for action to be taken by the school to resolve the complaint, an outline of the action to be taken will be included in the response. (Note : If a response is not possible by the target date provided in the acknowledgement letter, a letter will be sent to the complainant explaining the reasons for the delay and giving a revised target date).
- 4.2.1.7** Written replies to complainants will aim to answer all the points of concern, be factually correct and avoid jargon. They will tell the person what to do next if they are still not satisfied.
- 4.2.1.8** The Headteacher will do all s/he can to resolve the issue through a dialogue with the school and complainant , but if a parent/ carer is unhappy with the outcome, s/he can make a formal complaint, as outlined in Section 4.3 of this policy.

4.2.2 Consideration by the Chair of Governors :

- 4.2.2.1** Where a complainant has a concern or complaint relating to the headteacher or the action / inaction of the Governing Body they should contact the Chair of Governors in writing, by telephone or in person outlining the facts and stating what it is that they consider should have been done or where the Academy has not met reasonable expectations. Complainants may wish to use the Complaint Form attached as Appendix 1 for this purpose.

- 4.2.2.2** Within three school days of receipt of a complaint the Chair of Governors will acknowledge its receipt and provide the complainant with a copy of the complaints policy. The acknowledgement will include a target date for providing a response to the complaint and offer the complainant the opportunity to meet with the Chair of Governors to discuss the complaint.
- 4.2.2.3** If the complainant declines the offer of a meeting to discuss the complaint the Chair of Governors will investigate the complaint using all available information. This will include seeking information from staff directly involved in matters raised by the complainant and accessing documentary evidence held within the school or available to it.
- 4.2.2.4** If the complainant accepts the offer of a meeting the Chair of Governors will, within three school days, contact the complainant to arrange a mutually convenient appointment to discuss the matter. The complainant can choose to be accompanied to the meeting by a friend, relative or representative. The Chair of Governors may ask another Governor or member of staff who is not directly involved in matters raised by the complainant to be present at the meeting to take notes of the proceedings to aid in the complaint investigation.
- 4.2.2.5** Following the meeting with the complainant the Chair of Governors will investigate the complaint using all available information. This will include seeking information from staff directly involved in matters raised by the complainant and accessing documentary evidence held within the school or available to it. Other persons who meet with the Chair of Governors as part of the investigation can choose to be accompanied to the meeting by a friend, relative or representative.
- 4.2.2.6** The Chair of Governors will provide a response to the complainant having obtained and given full and careful consideration to the available evidence, including information obtained at meetings with all parties and documentary evidence relating to the complaint. The response will be issued in writing within fifteen school days of either the date of the letter sent acknowledging receipt of the complaint (if interested parties elect not to attend a meeting with the Complaints Panel) or the last meeting held with an interested party. It will advise whether or not the complaint is upheld and an explanation of the decision and the reasons for it. If the investigation reveals the need for action to be taken by the school to resolve the complaint, an outline of the action to be taken will be included in the response. (Note : If a response is not possible by the target date provided in the acknowledgement letter, a letter will be sent to the complainant explaining the reasons for the delay and giving a revised target date).
- 4.2.2.7** Written replies to complainants will aim to answer all the points of concern, be factually correct and avoid jargon. They will tell the person what to do next if they are still not satisfied.
- 4.2.2.8** The Chair of Governors will do all s/he can to resolve the issue through a dialogue with the school and complainant, but if a parent/ carer is unhappy with the outcome, s/he can make a formal complaint, as outlined in Section 4.3 of this

Policy.

4.3 Stage Three – Consideration by the Complaints Committee :

- 4.3.1** If the complainant is not satisfied with the response received under Stage 2 from the Headteacher / Chair of Governors or the complaint relates to the Chair of Governors or an individual Governor, she/he may request that the complaint be considered by the Complaints Panel of the Governing Body. The request must be in writing by telephone or in person, addressed to the Clerk to the Governors at the Academy, outlining the action taken to date and the reasons why the complainant is dissatisfied with the response. The request must be made within 10 school days of the Stage 2 response being sent to the complainant. Complaints received after 10 school days have elapsed will not be considered unless exceptional circumstances can be demonstrated. See Appendix1 – Complaints Form.
- 4.3.2** The Complaints Panel will comprise at least 3 people and will include at least one person who is independent of the management and running of the Academy. The Panel will include members who have had no involvement with the circumstances of the complaint. The Headteacher and staff of the school who are Governors will not be eligible to sit on the panel. One of the panel members will be appointed to chair the meeting.
- 4.3.3** The Clerk to the Governors will take notes at the meeting and support the chair of the Complaints Panel with written communications relating to the complaint. The clerk will not be involved in the hearing or resulting investigation other than to take notes.
- 4.3.4** At the start of each complaint hearing the Chair of the Complaints Panel will hold a briefing session with panel members to outline the nature of the complaint and ensure all members are clear on the process to be followed as outlined in the Policy.
- 4.3.5** Within five school days of receiving the complaint, the Chair of the Complaints Panel will acknowledge its receipt and provide the complainant with a copy of the complaints policy. The acknowledgement will include a target date for providing a response to the complaint, which will normally be twenty school days from the date of the acknowledgement letter, and offer the complainant the opportunity to meet with the Complaints Panel to discuss the complaint in more detail. The letter will also explain that the complainant and school have the right to submit any further documents relevant to the complaint to the Chair of the Complaints Panel.
- 4.3.6** Within five school days of receiving the complaint the panel will advise the headteacher of receipt of the complaint and the target date for providing a response to the complaint as provided to the complainant under 4.3.5 above. The letter will outline any information required by the panel and offer the headteacher and any staff directly involved in matters raised by the complainant the opportunity to meet with the Complaints Panel to discuss the complaint in more detail. The

letter will also explain that the complainant and school have the right to submit any further documents relevant to the complaint to the Chair of the Complaints Panel.

- 4.3.7** Where the complaint is of a technical nature the Chair of the Complaints Panel will be responsible for ensuring that advice is sought from the relevant specialist before starting the investigation. The advice sought will include what the panel needs to consider, where to obtain the information to support the investigation and what aspects to cover in meetings with those involved in the complaint.
- 4.3.8** If the complainant or school representatives decline the offer of a meeting to discuss the complaint the Complaints Panel will investigate the complaint using all available information. This will include the complaint letter, information provided by school staff and documentary evidence held within the school or available to it.
- 4.3.9** Where the complainant and/or school representatives accept the offer of a meeting the Chair of the Complaints Panel will, within three school days, contact the complainant and school representatives to arrange a mutually convenient meeting. At least five school days notice will be given to allow all those involved time to prepare for the meeting. The Complaints Panel will meet separately with each person involved in the complaint. The complainant and school representatives can choose to be accompanied to the meeting by a friend, relative or representative. The clerk of the Complaints Panel will take notes of the proceedings to aid in the complaint investigation.
- 4.3.10** When the complainant and school representative meetings (where held) have taken place the panel will consider the information given at the meetings along with any documentary evidence available to them from both parties. If any aspects require clarification or further information sought the Chair of the Complaints Panel will contact the individual concerned for additional information.
- 4.3.11** If the complaint was identified as being of a technical nature and guidance was sought under 4.3.7 above or, if following investigation the need for technical advice is identified, the Chair of the Complaints Panel may seek further advice from Governor Support before reaching a final decision. The advice sought will include clarification on interpretation of evidence obtained.
- 4.3.12** The Chair of the Complaints Panel will provide a response to the complainant having obtained and given full and careful consideration to the available evidence, including information obtained at meetings with all parties, documentary evidence relating to the complaint and advice from technical experts. The response will be issued in writing within fifteen school days of either the date of the letter sent acknowledging receipt of the complaint (if interested parties elect not to attend a meeting with the Complaints Panel) or the last meeting held with an interested party. It will advise whether or not the complaint is upheld and an outline of the decision and the reasons for it. If the investigation reveals the need for action to be taken by the school to resolve the complaint, an outline of the action to be taken will be included in the response. (Note : If a response is not possible by the

target date provided in the acknowledgement letter, a letter will be sent to the complainant explaining the reasons for the delay and giving a revised target date).

- 4.3.13** Written replies to complainants will aim to answer all the points of concern, be factually correct and avoid jargon. They will tell the person what to do next if they are still not satisfied.
- 4.3.14** In dealing with all complaints the Complaints Panel will try to resolve the complaint and achieve reconciliation between the school and complainant. It will at all times have the best interests of the child / children in mind. It will recognise that taking complaint action will be stressful to all concerned and it will be the responsibility of the Chair of the Complaints Panel are as informal as the situation allows to help reduce this.
- 4.3.15** The Chair of the Complaints Panel will do all s/he can to resolve the issue through a dialogue with the school and complainant, but if a parent/ carer is dissatisfied with the response, s/he can consider making a complaint to the Education Funding Agency as outlined in Item 5 below.

SECTION FIVE: COMPLAINT TO THE EDUCATION FUNDING AGENCY (EFA)

- 5.1** If a complainant is dissatisfied with the response by the Governing Body after they have dealt with the complaint, he or she may refer the matter to the Education Funding Agency for consideration. The complaint must have been considered under all stages of this policy and a decision communicated to the complainant prior to the complaint being made to the EFA.
- 5.2** The EFA will consider complaints about academies that fall into any of the following three areas:
- where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint
 - where the academy is in breach of its funding agreement with the Secretary of State
 - where an academy has failed to comply with any other legal obligation

- 5.3** *For further information, complainants should refer to the following website:*
www.education.gov.uk/schoolcomplaints

SECTION SIX: UNREASONABLE COMPLAINTS

Godinton Primary School 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.

Godinton Primary School 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 co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a 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 the complainant expects 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 the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint 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 in social media

websites and newspapers.

Complainants should limit the number of communications with the 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 headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Godinton Primary School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

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 Godinton Primary School.

SECTION SEVEN: BARRING FROM THE SCHOOL PREMISES

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's or other persons behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the barred individual may wish to make. Schools should always give the barred individual the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the barred individual, and either confirmed or lifted. If the decision is confirmed the barred individual should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

SECTION EIGHT: PUBLICATION

- 8.1** The school will notify parents / carers of the existence of the Complaints Policy and Procedures on the school website and will make available a copy of the policy and procedure on request or at the time a complaint is made.

SECTION NINE: COMPLAINTS MADE REGARDING SPECIAL EDUCATIONAL NEEDS PROVISION

- 9.1** The above process applies in the event of any complaint made about the special educational needs and disability provision at the school. For further details please see section 11 of the Special Educational Needs and Disability Policy for further details.

SECTION TEN: MONITORING AND REVIEW

- 9.1** The Governing Body will monitor the complaints procedure, in order to ensure that all complaints are handled properly. The Headteacher will log all formal complaints received by the school and record how they were resolved. Governors will examine the complaints log on an annual basis and consider the need for any changes to the procedure.
- 9.2** This policy and procedure will be reviewed on a two yearly basis.

GODINTON ACADEMY TRUST

Complaints Form Appendix 1

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

Your Name

Pupil's Name

Your relationship to the Pupil

Address

Postcode

Daytime Tel Number

Evening Tel Number

Please give details of your complaint here

What actions, if any have you taken to try and resolve your complaint

What actions do you feel might resolve the problem?	
Are you attaching any paperwork?	
Signature	
Date	
For Office Use only	
Date acknowledgement sent	
By Whom	
Complaint referred to:	Date: