

OUNDLE CHURCH OF ENGLAND PRIMARY SCHOOL

INTRODUCTION

1. This procedure is provided as good practice which will apply to most general complaints received by the school. It is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal.
2. Complaints about delivery of the National Curriculum and the provision of religious education and collective worship should be handled under the requirements of Section 409 of the Education Act 1996.
3. Separate procedures also exist for appeals about special needs assessments and school admissions and exclusions. [See the SEN Code of Practice and School Admissions Code of Practice].
4. Concerns about allegations of child abuse and staff discipline must be dealt with through the separate agreed procedures that have been adopted for these purposes. [See Professionals and Child Protection Procedures and Practice].
5. Guidance on dealing with complaints linked to racism is contained in Annex B and in the school's Race and Human Rights Policy.
6. All parents are made aware of the existence of the complaints procedure, through inclusion in the school's prospectus.

GENERAL PRINCIPLES

- The resolution of a complaint provides the potential opportunity for the school to improve its practice and develop further a strong partnership with parents.
- The complaints procedure will be easily accessible and well publicised, so that parents know how to raise concerns.
- It is desirable for any concern/complaint to be addressed by a member of staff/governor at a level closest to the cause for the concern.
- Procedures should be as speedy as possible, consistent with fairness to all. [Suggested time-scales are provided].

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- A complaint is distinct from any formal disciplinary procedure. Staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to put their case. They should be offered support in responding to any investigation into a complaint.
- If it becomes apparent to the Headteacher or Chair of Governors that the parent's concern/complaint has the potential to be a disciplinary issue, advice should immediately be sought from Education Personnel.
- Confidentiality is important in securing the confidence of all concerned. Conversations and correspondence must be treated with discretion. Parents need to feel confident that a complaint will not disadvantage their child. However, the parties to a complaint should realise that some information may have to be shared to carry out a thorough investigation.
- If the investigation of a complaint shows that it is justified, then the school should consider how to make amends in an appropriate way.
- Staff and governors in schools should have the opportunity to take part in training or briefing to raise their awareness of the procedures and develop their skills in dealing with people who wish to complain and those complained about.
- All complaints should be recorded and monitored to identify issues and allow any lessons to be learned by the school.
- Every complaint should be acknowledged as "genuinely felt" by the complainant.

This complaints procedure has three stages:-

1. Initial Approach.
2. Formal Complaint [to Headteacher or Chair of Governors].
3. Appeal [to Governor Committee].

Stage 1 – INITIAL APPROACH

GUIDELINES

- The vast majority of concerns and complaints can be resolved informally, often straight away by the class teacher, Leader of Learning or Headteacher.
- The school aims to ensure that parents feel able to raise concerns with staff without undue formality, either in person, by telephone or in writing. There may be occasions when it is appropriate or helpful for someone to accompany or act on behalf of a parent.

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- Parents may not be clear at first that they are making a complaint. They may wish to ask a question or express an opinion. A preliminary discussion with school staff will usually clarify the issue and help parents to decide whether they wish to take the matter further.

PROCEDURE

1. Parents have an opportunity for informal discussion of their concerns with an appropriate member of staff. This discussion should aim to clarify the nature of the parent's concern and assure them that the school wishes to hear about it. The discussion should also aim to clarify what kind of outcome the parent is seeking.
2. If the member of staff first contacted cannot deal with the matter immediately, s/he should make a firm arrangement to deal with it at a future date or refer the matter to the Headteacher or another appropriate member of staff. In either case a note of the name, date and contact details of the complainant should be taken and passed to the Headteacher. The first contact should check to make sure the referral has been successful.
3. Staff who are contacted should discuss the situation with a member of the School Leadership Team and agree an appropriate strategy for referral if necessary.
4. Parents wishing to raise a concern about the Headteacher who feel unable to raise it with the Headteacher in person should contact the Chair of Governors via the Clerk to the Governors. [Address below].
5. The staff member/Headteacher dealing with the complaint should make sure that the complainant is clear about what will happen next [if anything]. This should be confirmed in writing.
6. If no satisfactory solution has been found, the complainant should be informed about how they should proceed if they wish to take their complaint further. They should be informed of any advice and support that may be available to them. This advice will be given by/in consultation with the Headteacher.

The Clerk to the Governors
Oundle CE Primary School
Cotterstock Road
Oundle
Peterborough
PE8 5HA

Stage 2 – FORMAL COMPLAINT TO THE HEADTEACHER OR CHAIR OF GOVERNORS

GUIDELINES

- The Headteacher will determine who has responsibility for responding to a formal complaint, including the decision about his/her own involvement at various stages.
- If the complainant is dissatisfied with the action of the Headteacher, or the Headteacher has been very closely involved informally, the Chair of Governors should carry out all the Stage Two procedures, with support if necessary from another Governor and with advice from an Education Services Officer if required.
- Individuals on the Governing Body should not become involved at this stage to avoid prejudicing their possible future involvement.

PROCEDURE

1. Parents who wish to pursue a formal complaint at Stage Two should be asked to put the complaint and their desired outcome in writing to the Chair of Governors or Headteacher. The Chair of Governors/Headteacher [or designated member of staff] should acknowledge the complaint in writing within three working days of receipt giving a brief explanation of the complaints procedures and a target date for providing a response. Ideally, this should be within ten working days. If it is not possible to deal with the matter in this time, the complainant should be informed of when it is likely to be concluded.
2. The Chair of Governors/Headteacher [or a designated member of staff] may offer an opportunity for the complainant to meet him/her. The complainant should, if she/he wishes, be allowed to be accompanied by a friend or relative who can speak on his/her behalf. Interpreting facilities should be made available if required. The Chair of Governors/Headteacher should also be accompanied by an independent third party who may minute the discussions.
3. If necessary, the Chair of Governors/Headteacher [or a designated member of staff] should interview any witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed, with parent/guardian present. In some circumstances this may not be possible or appropriate and a senior member of staff with whom the pupil feels comfortable should attend with him/her. An Interview Record should be completed. If a member of staff is complained against, the needs of that person should be borne in mind. Advice may need to be sought from Education Personnel.

4. The Chair of Governors/Headteacher [or designated member of staff] should keep written records of meetings, telephone conversations and other documentation.
5. Once all the relevant facts have been established, the Chair of Governors/Headteacher [or designated member of staff] should either write to the complainant or arrange a meeting to discuss or resolve the matter. This meeting should be followed up with a letter summarising the outcome of the meeting. The complainant should be advised in this letter that if they remain unhappy with the outcome, s/he may appeal to a panel of Governors. The complainant should notify the Chair of Governors within two calendar weeks of receiving the letter detailing the outcome of the complaint.

Stage 3 – APPEAL TO THE PANEL OF GOVERNORS

GUIDELINES

- Complaints only rarely reach the appeal stage, but it is important that Governing Bodies are prepared to deal with them. At this stage, the Chair of Governors may wish to seek advice from the Education Services Senior Education Officer and/or the appropriate diocesan authority
- The aim of the appeal to a panel of Governors is to resolve the complaint and achieve a reconciliation between the school and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action, and to satisfy the complainant that their complaint has been taken seriously.
- It is important should a complaint reach the appeal stage that the Governing Body is impartial and independent and is seen to be so. Individual complaints should not be considered by the full Governing Body. The Governing Body should therefore establish a panel to deal with complaints, by nominating a pool of five Governors from which three can be drawn for any hearing.
- Panel members should have had no prior involvement with the complaint. Generally, the Chair of Governors is not on the panel as s/he may be involved at the earlier stage. Governing Bodies should have regard to the advantages of having a mix of types of Governor on the panel and be sensitive to issues of equal opportunity in the composition of the panel.
- Individual Governors should not get involved in looking into complaints before this stage to avoid prejudicing their potential involvement. If individual Governors are approached by parents or others with complaints, they should refer the complainant to the school's complaints procedure, making the necessary introduction to a member of staff, Headteacher, or Chair of Governors.

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- Complaints that reach the appeal stage will do so because the complainant is not satisfied with the response so far. In this situation it is perhaps helpful for the Governing Body to view any complaint as being against the school rather than an individual staff member whose actions may have led to the original complaint.

PROCEDURE

Upon receipt of a written request from the complainant for the complaint to proceed to Stage Three, the following procedure should be followed.

A suitable Clerk to the panel should be appointed. [Likely to be the Clerk to the Governors].

1. The Clerk should write to the complainant acknowledging receipt of the written request, informing the complainant that it will be heard by a committee of the Governing Body within 15 working days of receipt.
2. The Clerk should convene a meeting of the complaints committee at a time which is convenient for the complainant and the school.
3. The Clerk should ensure that the complainant, Headteacher and any other witnesses are given at least five working days notice in writing of the date, time and place of the hearing or otherwise are in full agreement of a shorter timescale. The letter of notification to the complainant should also inform him/her of their right to be accompanied by a friend/relative who can act as an advocate. The Chair should ensure that interpretation facilities for the hearing are offered and made available if required. The letter should set out the procedure for the conduct of the hearing [see annex A] and the complainant's right to submit further written evidence to the committee.
4. The Clerk should invite the Headteacher to attend the hearing and to submit a written report for the committee in response to the complaint. The Headteacher may also invite the Chair of Governors or any other members of staff directly involved in matters raised by the complainant to respond in writing and/or in person to the complaint. Any involvement of other staff should be at the discretion of the Chair of the committee.
5. All relevant documents should be received by all parties, [including the complainant] at least five days before the meeting of the panel. This provides adequate opportunity to read them prior to the start of the meeting.
6. An Education Services Officer will be invited to attend the meeting to advise the committee.
7. The panel should elect a Chairperson who should ensure that proper minutes of the meeting are taken.

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8. The Chair of the panel should try to ensure that the proceedings are as informal as possible and that the complainant and other participants feel at ease.
9. At the conclusion of the representations and questions, the Chair should explain that the panel will consider the issues and write to both parties.
10. All except for the Governors' panel and any advisers should then withdraw and the panel should consider the evidence. This should include: a judgement about the validity of the complaint; appropriate action to be taken by the school and/or the parent; and where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.
11. The school should ensure that a copy of all correspondence and notes is kept confidentially on file in the school. This must be separate from pupils' personal records.
12. The broad outcomes recommended by the panel can be reported to the next full Governing Body or appropriate committee with the identity of all those taking part kept confidential. The Governing Body should monitor the implementation of any recommendations made.

THE ROLE OF EDUCATION SERVICES

- The primary responsibility for resolving complaints rests with the Governing Body. (1998 Education Act, Part II, Chapter 3, Para. 39[1])
- When Education Services receives a general complaint which does not come under one of the areas covered by statutory requirements, nor is obviously concerned with child abuse or staff disciplinary matters the complainant will be referred to the school's complaints procedure. The complainant will be advised to contact the Headteacher to take the matter further. If the complaint has already involved the Headteacher but has not achieved a satisfactory resolution from the perspective of the complainant, the Education Services Officer may seek to resolve issues between the Headteacher and the complainant. If this is not possible or successful the complainant will be referred to the Chair of Governors. In this situation the Headteacher will be notified of the referral and details of the complaint.
- Education Services staff will give advice to Headteachers, Governors and parents on the use of complaints procedures. For serious or complex complaints this will be through a Senior Education Officer.
- Where possible Education Services will provide advice and appropriate support to complaints panels of Governing Bodies, including attendance of an officer at meetings to hear complaints.

APPENDIX A

Model Procedure for the Conduct of a Stage 3 Governors Panel Hearing

1. The Chair of the Committee should invite all parties [except any witnesses] into the room, introduce them and explain the role of each person.
2. The Chair should explain to all present that the purpose of the hearing is to review the complaint and try to resolve it and achieve a reconciliation between the school and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action.
3. The Chair should then ascertain whether the proposed procedure is acceptable. If so, the meeting will proceed along the following lines:-
 - i. The complainant describes her/his complaint and may call witnesses.
 - ii. The Headteacher may seek clarification from the complainant and any witnesses.
 - iii. The Governors' panel or its advisers may seek clarification from the complainant and any witnesses.
 - iv. The Headteacher will respond to the complaint and may call witnesses.
 - v. The complainant may seek clarification from the Headteacher and any witnesses.
 - vi. The Governors' panel [including any Advisers] may seek clarification from the Headteacher and any witnesses.
 - vii. The Headteacher will be given the opportunity to sum up.
 - viii. The complainant will be given the opportunity to sum up.
 - ix. Both parties will leave the room to allow the panel to deliberate but any advisers may remain to offer technical and procedural advice.
4. The panel should make a decision or judgement on:-
the validity of the complaint; appropriate action to be taken by the school and/or parent; and where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.
5. The decision or judgement will be confirmed in writing within five working days.

NB If there is more than one complainant this procedure should be followed for each one in turn, unless the complainants agree to the complaint being jointly heard.

APPENDIX B

Dealing with Complaints about Racism in Schools

1. Racist Behaviour to a Child or Student
The procedures to be followed are contained in Education Services guidance “Notification of Racist Incident”.
2. Racist Incident Alleged Against School Staff
 - i. The report/complaint should be made to the Headteacher, or if the Head teacher is the subject of the report/complaint, to the Chair of Governors;
 - ii. As racism is a disciplinary offence, the normal disciplinary procedures are followed.
3. Institutional Racism
Parents who perceive that racist practice or policies are operated by the school should pursue these through the General Complaints Procedure.

Based directly on –

“A Model Complaints Procedure for Schools
Guidance for Governors and Headteachers
Northamptonshire County Council”

APPENDIX C

Dealing with Unreasonable Complainants

Oundle CE 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.

Oundle CE 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:

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- 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 numbers 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 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 Oundle CE 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 Oundle CE Primary School.

Based directly on:

*Department for Education's
"Best Practice Advice for School Complaints Procedures 2016"*