

Leaffield C of E Primary School



Complaints Policy and Procedure

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Committee responsible:	Leaffield School Local Governing Board
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ODST School Complaints Policy

Introduction

We seek to ensure that complaints about a school are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, a school must be clear about the procedures they will apply when they receive a complaint.

The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally.

In most cases the class teacher will receive the first approach and it is helpful when staff are able to resolve issues on the spot. This may include offering a clear explanation; in some cases accepting that a situation could have been handled better whilst in other cases an apology may be appropriate.

General Principles

Definitions

- Where the term “relevant body” has been used within this procedure, this means the Board of Trustees of ODST (Oxford Diocesan Schools Trust);
- Unless indicated otherwise, all references to “school” include both schools and academies;
- Unless indicated otherwise, all references to “teacher” include the Headteacher;
- Unless indicated otherwise, all references to ‘staff’ include both teaching and support staff.

Consistency of Treatment and Fairness

The relevant body is committed to ensuring consistency of treatment and fairness and will abide by all relevant employment and equality legislation.

Delegation

The relevant body has chosen to delegate some of its functions to local governing bodies as set out in this procedure.

Monitoring and Evaluation

Any feedback or concerns regarding the procedure should be reported back in the first instance to the ODST Ethos and Governance Committee.

Date of Review

The procedure will be reviewed as required by the Board of Trustees of ODST to take account of any revised guidance from the local Safeguarding team and to any legislative changes and / or national policy development.

The Responsibility of the School

1. Under the Education (Independent Schools Standards) (England) Regulations 2010 academies are required to have in place a procedure to deal with complaints relating to the school and to any

community facilities or services that the school provides. The law also requires the procedure to be publicised.

2. The Local Governing Body (LGB) has delegated responsibility on behalf of the Trustees of ODST for the school and for ensuring that all pupils receive an appropriate and high standard of education. The Headteacher is responsible for making decisions on a daily basis about the school's internal management and organisation. The school should make it clear that parents and others should direct complaints to the school in most circumstances.
3. This policy and procedure set out at Appendix 1 for Leaffield C of E Primary School (see Appendix 1) will apply to all ODST schools. It is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal.
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. Similarly, separate procedures will apply in relation to appeals relating to admissions, special needs assessment and exclusions.
5. Schools should make all parents aware of the existence of their Complaints Policy and procedures. The school website would be a suitable mechanism for doing so.

The Responsibility of ODST and the Local Authority

6. For most complaints, parents cannot take their appeal further than the LGB and neither ODST (as the employer) nor the Local Authority will investigate school matters on a parent's behalf nor would they review how the school has dealt with a complaint. The only grounds on which ODST may review the LGB panel's decision on a complaint are with regard to the tests of illegality, irrationality or procedural impropriety, i.e. ODST would review whether the LGB complaints panel has acted fairly and reasonably but it would not consider the detailed submissions put as evidence to the complaint panel by both parties. Any such panel would be expected to comprise a combination of Trustees, committee members and/or officers of the ODST. If, following these steps, a complainant still feels that the school has acted unreasonably or not followed the correct procedures, they can write to the Secretary of State for Education via <http://www.education.gov.uk/help/contactus/df>

Using the Complaints Procedure

7. The resolution of a complaint can be an opportunity for the school to improve its practice and develop further a strong partnership with parents.
8. The complaints procedure should be easily accessible and well publicised, so that parents know how to raise concerns.
9. It is desirable for any complaint to be addressed by a member of staff/governor at a level closest to the cause of concern.
10. Any complaint should be dealt with in a timely manner to enable early resolution and ensure fairness to all involved. Whilst recognising that each situation will be different, suggested timescales are provided

in the flowchart on page 15 although it is expected that schools may well need to adapt these to suit the particular circumstances.

11. 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.
12. If the investigation of a complaint shows that it is justified, then the school should consider how to respond to it in an appropriate way.
13. All complaints should be recorded and monitored to identify issues and allow any lessons to be learned by the school.
14. A written record should be kept of all complaints that are made in accordance with this procedure and whether they are resolved following a formal procedure or proceed to a panel hearing; and the action taken by the school as a result of the complaint.
15. Correspondence, statements and records relating to individual complaints will be kept confidentially except where the Secretary of State or a body conducting an inspection requests access to them.
16. 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.

Dealing with Complaints – Formal procedures

17. The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.
18. 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 before responding to any investigation into a complaint.
19. If it becomes apparent that the complaint has the potential to be a disciplinary issue or if the complaint is against any member of staff, it is for the Headteacher or designated senior member of staff or, in the case of the Headteacher, the Chair of Governors or designated governor, to determine if it is a disciplinary or capability matter. If this is the case, the matter will be dealt with by following the appropriate (disciplinary or capability) procedure and the complainant will be notified that this is the outcome of their complaint, i.e. "The matter has been referred to the appropriate procedure".

Anonymous complaints

20. The LGB will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Vexatious Complainants

21. ODST is committed to dealing with all complaints fairly and impartially. Communication from complainants will not normally be limited but the Trust does not expect staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour. There may be occasions, when, despite all stages of procedures having been followed, the complainant remains dissatisfied. If the complainant tries to re-open the same issue, the Chair of Governors should inform them in writing that the procedure has been exhausted and that the matter is now closed.

Third party providers

22. Where a complaint is about something for which the school is not responsible, the complaint should be re-directed, and the complainant informed without delay.

Complaints received outside of term time

23. The LGB will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Serial complaints

24. We expect complainants to act reasonably and not in a manner which hinders the consideration of a complaint.

Multiple Complaints

25. In the event of complaints received from different complainants concurrently, or a complaint raised by a group of individuals, we reserve the right to adapt the complaints procedure, for example providing a template letter of response.

Timescales

26. Normally complaints will only be heard if received within three months of the incident, or where a series of incidents have arisen, within three months of the last of these incidents. Complaints made outside of this timescale may be considered in exceptional circumstances.

Managing unreasonably persistent complaints or harassment

27. In the event of unreasonably persistent complaints or harassment, ODST reserves the right to adapt the Complaints Procedure as necessary. In such circumstances the following are examples of steps that may be taken:
 - Informing the complainant informally that their behaviour is now considered to be unreasonable or unacceptable, and requesting a changed approach;
 - Requiring that all future meetings with a member of staff are conducted with a third person present with notes taken;
 - Informing the complainant that, except in emergencies, the school will respond only to written communication;

- Placing restrictions on the complainant's access to school and/or school staff;
- Ceasing all correspondence and communication with the complainant other than that necessary for the health and safety of any child/adult in school;
- Involving officers of the central ODST team

28. ODST has a duty of care to its employees and will not tolerate any form of physical or verbal aggression or personal harassment against school staff. In such situations ODST may:

- Prohibit the individual from entering the school site, with immediate effect;
- Inform the individual that communication with them will cease other than in an emergency;
- Seek appropriate third-party intervention.

Appendix 1:

School Complaints Procedure for Leafield C of E Primary School

Introduction

The staff and governors of Leafield C of E Primary School make every effort to address concerns raised quickly and at an early stage. The school operates an open-door policy and encourages parents to discuss any concerns with class teachers, or an appropriate member of the school staff at the earliest opportunity.

The staff and governors recognise however that sometimes parents, or members of our community may wish to make a more formal complaint and have therefore adopted the following procedure to deal with these.

Dealing with concerns at the earliest opportunity

1. If parents, pupils or members of the public have concerns they should:
 - a. discuss their concerns with the member of staff most directly involved and, if not satisfied;
 - b. discuss their concerns with a senior member of staff and, if not satisfied; (this stage will not apply in small schools);
 - c. discuss their concerns with the Headteacher.
2. At each stage in the procedure, the school will keep in mind ways in which a concern or complaint can be resolved. It might be sufficient to acknowledge that the concern or complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:
 - an apology;
 - an explanation;
 - an admission that the situation could have been handled differently or better;
 - an assurance that the event complained of will not recur;
 - an explanation of the steps that have been taken to ensure that it will not happen again;
 - an undertaking to review school policies in light of the complaint.
3. Complainants are encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

As part of considering a complaint the school will seek to identify areas of agreement and to clarify any misunderstandings that might have occurred.

4. Only where all these avenues have been tried and found unsatisfactory should the complainant take a complaint to the Chair of Governors or Clerk to the Local Governing Body (LGB).

5. If the Headteacher considers s/he can do no more to resolve the complaint it should be stated explicitly that the complainant can write¹ to the Chair of Governors if not satisfied.

Principles informing our complaints procedure

6. This procedure is designed to:

- be well publicised and easily accessible;
- be simple to understand and use;
- be impartial;
- be non-adversarial;
- allow swift handling with established time limits for action and keeping people informed of the progress;
- allow a mediation process if agreed by the complainant;
- allow for a hearing of a panel of Governors, where appropriate;
- respect people's desire for confidentiality, wherever possible;
- address all points of issue, provide an effective response and appropriate redress where necessary;
- allow opportunity for learning and improvement where applicable.

Making a Complaint to the Local Governing Body

7. Where informal/in-school attempts have been unsuccessful in resolving a complaint, the complainant may write to the Chair of Governors or Clerk to the LGB at the school address. The envelope should be marked 'Private and Confidential - FAO Chair of Governors' and staff in the school office must ensure that the letter is forwarded without delay.

8. The complainant will be asked to complete a complaint form (Annex 1) if they have not already done so. The Chair of Governors or Clerk will offer to help an individual to complete the details where appropriate. On receipt of the complaint form, the Chair of Governors (or other nominated governor) will:

- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right.

9. At this point the Chair of governors will decide whether the complaint should go straight to the governors' complaints panel or whether a mediation stage should be offered. Mediation can only proceed if the complainant and the Headteacher are both willing for it to be tried.

10. If mediation is not successful, the complaint will be considered by the governors' complaints panel.

There may also be certain situations, such as vexatious complaints, where the Local Governing Body will determine that neither mediation nor a complaints panel is appropriate and the complaint will therefore be dismissed.

Mediation

¹ Alternative methods of communication will be considered where required under the Equality Act

11. Mediation can be a good way to resolve a complaint because:

- It gives both complainant and Headteacher another opportunity to hear each other's points of view (with a third party facilitating);
- it gives the third party an opportunity to help Headteacher and complainant identify and build on areas of agreement;
- it gives Headteacher and complainant a structure within which they can resolve remaining differences;
- if both complainant and Headteacher emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them;
- even if the complaint continues to a governors' panel, the issues to be considered are likely to be much clearer following the mediation.

Mediation may elicit one or more of the responses listed below from either party:

- an acknowledgment that the complaint is valid in whole or in part;
- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

12. If mediation is not successful, the complaint will be considered by the governors' complaints panel. There may also be certain situations, such as vexatious complaints, where the Local Governing Body will determine that neither mediation nor a complaints panel is appropriate and the complaint will therefore be dismissed.

Governors' Complaints Panel

13. Where the complainant is still not satisfied that their complaint has been dealt with fully and properly, they may choose to take it to a panel of Governors.

14. Establishing a complaints panel:

- a. The LGB will seek to agree the composition of the complaints appeal panel at the first meeting each year;
- b. However, the decision about the membership of a particular panel will depend on factors such as availability and will be made by the Chair of governors in consultation with the Clerk;
- c. the hearing must be independent and must be seen to be so. The panel will comprise of at least 3 members, none of whom will have had any previous direct involvement in, or knowledge of the detail of the complaint;
- d. at least one member of the panel will be independent of the management and running of the school, for example a governor at another ODST school;
- e. when the Clerk of governors receives a copy of the complaint form he/she will inform the LGB that a complaint has been received and that it has been passed to the panel to deal with. No further information about the complaint should be shared with other governors.

15. There are several points which any governor sitting on a complaints panel needs to remember:

- a. The procedure allows for a parent making a complaint, to attend and be accompanied at a panel hearing if they so wish;
 - b. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it;
 - c. the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant;
 - d. the panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is not intimidating and not adversarial;
 - e. it is intended that all parties remain together for the duration of the panel meeting. However, should the Chair determine that any party is not willing, or able, to adhere to the process (as set out below), or considers that their behaviour is not conducive to a fair and open meeting, that party will be asked to leave the meeting. If that party has not yet given their presentation, they will be invited to do so with only the panel members present in the room. It is up to the panel collectively to determine whether they hear this presentation immediately or wait until after the other party has given their presentation. All members of the panel must be present throughout and hear the evidence from all parties;
 - f. it may be necessary to have one or more adjournment to allow for reflection or to seek additional supporting evidence,
 - g. Governors sitting on the panel need to be aware of the complaints procedure and any other procedures relating to the complaint e.g. Anti-bullying policy.
 - h. Evidence should be provided to the hearing in writing prior to the meeting, the attendance of witnesses is discouraged,
 - i. The clerk is responsible for obtaining papers setting out the case from both sides, with any supporting evidence. The papers should be copied and sent to panel members, complainant(s) and the headteacher, at least five working days in advance of the meeting. This ensures that everyone involved has had time to read and understand the papers.
16. The Chair of the Panel will be nominated by the members of the complaints panel but would in general be expected to be the independent panel member. The Chair is responsible for ensuring that both complainant and Headteacher are given a fair hearing and that the panel arrives at its judgement without fear or favour.

Remit of the panel

17. The complaints panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint,
- recommend changes to the school's systems or procedures to ensure problems of a similar nature do not recur.

It may:

- consider and, if appropriate, comment on the way in which an operational decision was communicated – but cannot overturn the decision itself;

- consider the thoroughness with which the Headteacher/ LGB investigated a complaint about a member of staff – but cannot expect the Headteacher to provide details about confidential discussions with that staff member;
- consider the manner in which a complaint about any decision was addressed – but cannot expect the Headteacher/ LGB to have changed the process used;
- consider and, if appropriate, identify limitations in a policy or procedures – but cannot make or improve policy. (It can, however, recommend that the policy be reviewed by the trustees of ODST to ensure that problems of a similar nature do not recur),
- consider whether it should recommend that the Headteacher/ LGB offer appropriate redress.

Format of a Panel Hearing

18. An example of the format a panel hearing may follow is:

19. The complainant and the headteacher will enter the room where the hearing is taking place together – ordinarily it is anticipated that the clerk will collect both parties and show them into the room, but this role may be filled by a member of school staff

- The chair will introduce the panel members and the Clerk and outline the process to the complainant and Headteacher.
 - The complainant is invited to explain their complaint
 - The headteacher may question the complainant
 - The panel will question the complainant
 - The headteacher is invited to explain the school’s actions
 - The complainant may question the headteacher
 - The panel will question the headteacher
 - The complainant is invited to sum up their complaint
 - The headteacher is invited to sum up the school’s actions and response to the complaint
- The chair checks that both parties have said everything that they want to say and that they are satisfied that they have had a fair hearing. If either party remains dissatisfied the chair should provide a reasonable opportunity for this to be rectified prior to the end of the meeting;
- The chair explains to both parties that they will hear from the panel within five working days;
- Both parties leave while the panel decides on the issues and reaches a decision;
- The Clerk will remain with the panel to clarify and draft the letter outlining the panel’s decision.

Panel hearings will be held in a place which is convenient and accessible for all parties. This may not be the school.

General Principles

20. Certain principles underpin the format of a complaints hearing:

- The hearing should be made as unthreatening as possible to all parties;

- the panel may ask questions at any point, but only if an immediate question will help to clarify a point. Panel members must find ways to ask probing questions while maintaining an air of impartiality;
- other than as specified above, the Headteacher and complainant must have no contact with members of the governors' complaints panel;
- the chair of the panel should discourage the introduction of fresh documentary evidence at the hearing – there should be every encouragement to produce the evidence in advance so that both sides have time to study it;
- however, if new and relevant evidence is accepted by the chair, the chair will adjourn the hearing for enough time to allow everyone to read the document;
- both parties must leave the hearing room during any adjournment and during discussions of the panel on the substance of the complaint.

Exceptional circumstances

21. For the sake of clarity, the description above does not cover exceptional circumstances which might include:

- the chair of governors may not be able to find three governors who have no prior knowledge of the case: If a case has become a major talking point around the community, the chair can nominate three governors with minimal prior knowledge. If there are still insufficient governors able to sit on a panel, the governing body in consultation with ODST will put in place an alternative fair process using independent governors from other, local ODST schools;
- the complaint may not be against the Headteacher: A complaint to the governors' complaints panel will never be against a junior member of staff (it may be against the way the Headteacher handled a complaint against a junior member of staff) but it is conceivable that a senior manager will appropriately stand in for the Headteacher. That would need to be considered very carefully but if agreed the senior manager would be 'the Headteacher' for the purpose of the panel. There may be exceptional circumstances in which the complaint is against the chair of governors – e.g. for willfully refusing to deal with a complaint. In those circumstances the procedure above would be adapted and every reference to 'Headteacher' would be read as 'chair of governors';
- the complainant and/or the Headteacher may wish to call witnesses: The use of witnesses is discouraged. In nearly every case, a complaints panel will want to work with written witness statements if appropriate, but there may be particular circumstances where the presence of witnesses is necessary to establish key facts. In those cases, witnesses must be agreed in advance. They will remain outside the hearing room until called in to give their evidence. Having provided their statement, they can be questioned by the panel members and the other party. They will leave the room when their evidence is completed;
- the complainant may be a pupil at the school: Good schools encourage pupils to raise concerns and would expect to resolve them before it becomes a formal complaint to the LGB. If it is not resolved, it would be very unusual if parents have not by picked it up and made it a parental complaint. However, if a pupil is the complainant, panel members will wish to ensure that the same process is followed but special consideration is given to ensuring that the child is supported and does not feel intimidated. The panel needs to give the views of the child equal consideration to those of adults.

Writing the decision letter

22. The Clerk will ensure that s/he has clear wording stating the panel decision about each of the issues that the panel considered before the panel is allowed to finish. The Clerk will use that wording to draft the decision letter. This should be sent to all members of the panel for checking. Once approved by all three panel members, it should be sent to the complainant with a copy to the Headteacher. The complainant should also be provided with a copy of the minutes of the meeting (as far as possible the minutes will seek to be a verbatim record, where this is not possible they will provide a clear overview of the issues discussed, concerns raised and any questions asked.
- The letter should clearly express how seriously the panel considered the complaint;
 - the Clerk should be careful that the letter adheres to the facts and gives no hint of partiality;
 - the Clerk should ensure that the letter reaches the complainant and the Headteacher within five school days.

Monitoring Complaints

23. As well as addressing an individual's complaint, the process of listening to and resolving complaints would contribute to school improvements. When individual complaints are heard, schools may identify issues that need to be addressed. The monitoring and review of complaints by the school and Governing body can be useful to evaluating the school's performance. Any discussion of complaints by the Governing body or others in the school community should not name or be able to identify individuals.

Unreasonable complaints

ODST defines unreasonable complainants as those who because of the frequency or nature of their contacts with the schools, hinder the school's consideration of their or other people's complaints. A complainant may also be considered unreasonable if their complaint is considered to be vexatious.

A complaint may be regarded as unreasonable or vexatious when the complainant –

- refuses to articulate their complaint or specify the grounds of their complaint, even following the offer of support;
- refuses to co-operate with the complaints process, whilst still seeking resolution;
- refuses to accept that some issues are outside of the scope of the complaints procedure;
- insists that the complaint is dealt with in ways which are incompatible with the school's complaints procedure, or good practice
- introduces trivial, or irrelevant information, or raises significant detailed but unimportant questions that they then wish to be addressed in detail;
- makes unjustified complaints about staff investigating their complaint and/or seeks to have them replaced;
- changes the basis of their 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 where the school's complaints procedure has been fully and properly completed;
- making excessive demands on school time by frequent, lengthy, complicated or stressful contact with staff while the complaint is being dealt with.

A complaint may also be considered unreasonable if the complainant does so in a way that is considered to be:

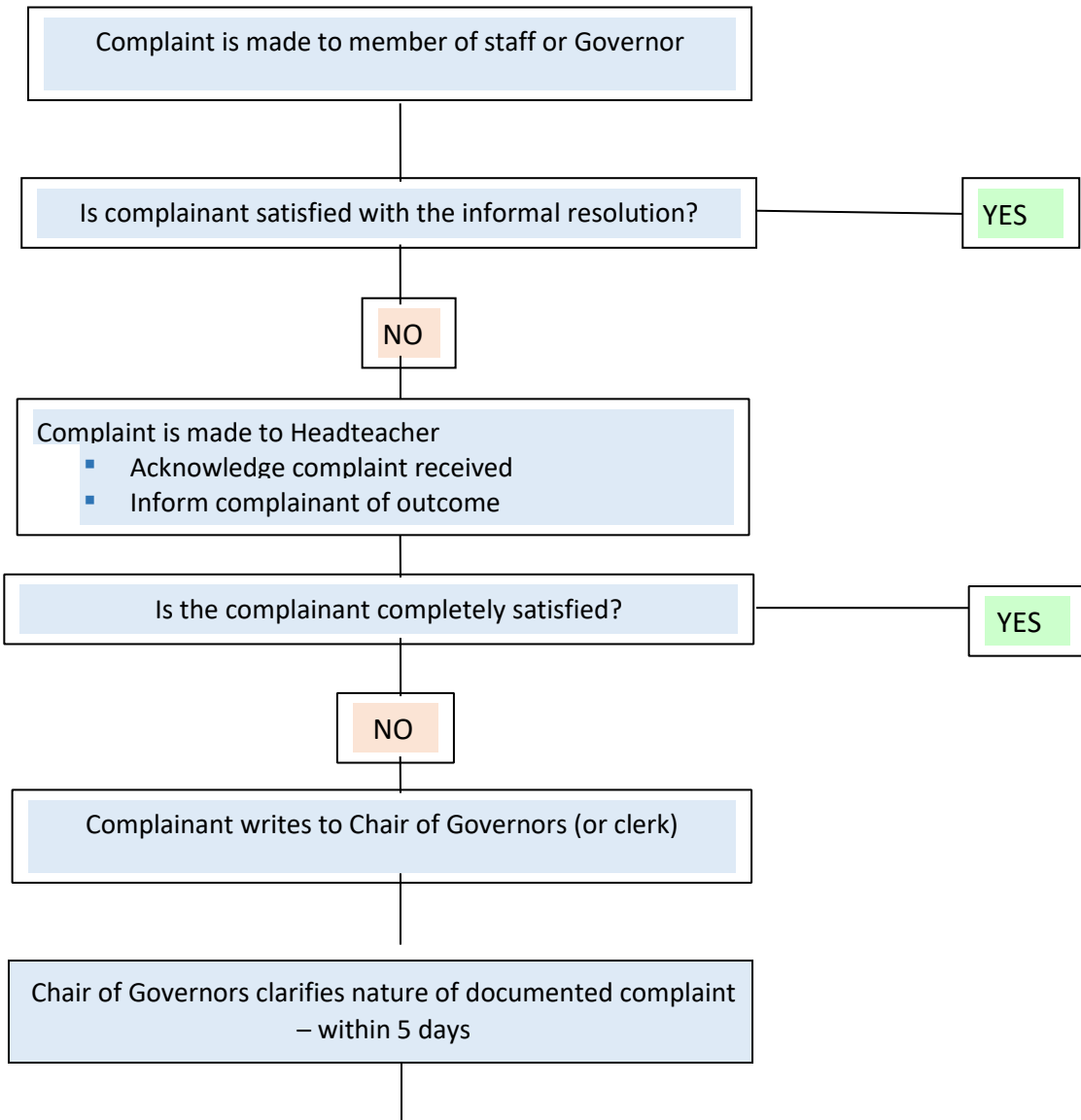
- malicious,
- aggressive,
- using falsified information,
- uses abusive, offensive or discriminatory language.

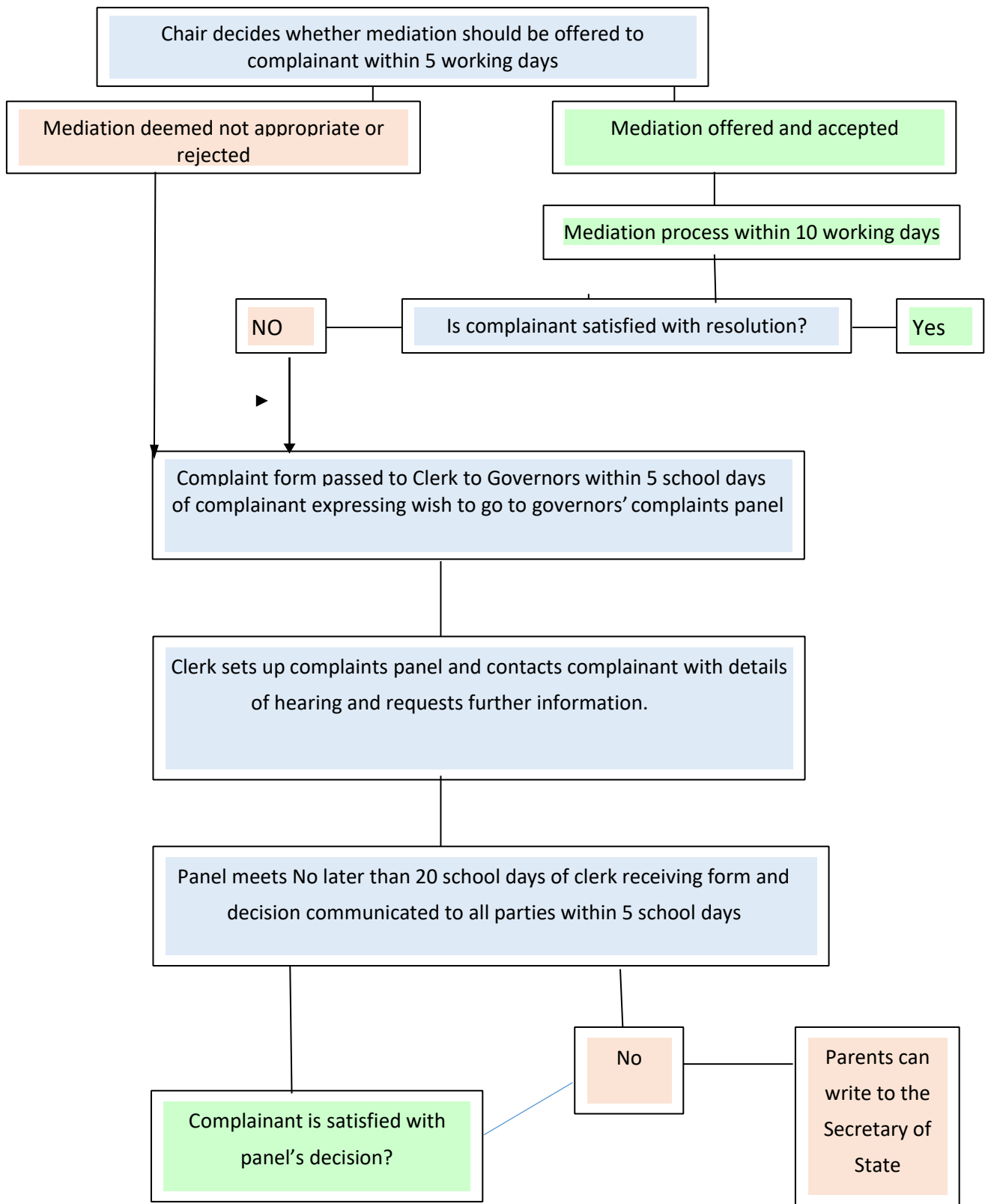
Whenever possible the complainant will be made aware that their complaint is at risk of being deemed unreasonable or vexatious prior to it being marked as such.

Where a complaint is deemed as unreasonable or vexatious a formal letter will be sent to the complainant advising them of this and stating that the matter is now closed. Where complainants continue to excessively contact the school a communication plan, specifying methods of communication and limiting the number of contacts will be established. Communication plans will normally be reviewed after six months.

Leaffield C of E Primary School has a separate guide called 'A Parent's Guide to making a Complaint'. This is available on the school website.

The flowchart below summarises the complaints process.





Annex 1- Model Complaint Form

This form can be used by any person making a complaint about the operation of the school which is not covered by an alternative specific procedure. Complaints will most often come from parents or carers but may also come from pupils/students or members of the public, e.g. school neighbours.

Anyone receiving this form should be advised verbally that help in completing it is available from the school. A member of school staff who is familiar with the process should be nominated to give help.

If it is appropriate for a member of staff to look into this complaint, it should be returned to the Headteacher.

If it is appropriate that it should be dealt with by a Governor, it should be returned to the Clerk to the Governors at the school.

Model complaint form

Leaffield School

Please complete and return to the School Business Manager who will acknowledge receipt and explain what action will be taken.

Your name:

Address:

Postcode:

Daytime telephone number:

Evening telephone number:

If applicable, name of child(ren) at school:

Please give details of your complaint: