

ESSEX PRIMARY SCHOOL

COMPLAINTS Policy

| Version | Author | Date Issued | Review Date |
|---------|----------------------|-------------|-------------|
| 1 | Essex Primary School | May 2021 | May 2024 |
| 2 | Essex Primary School | May 2024 | May 2027 |

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1. Introduction

We strive to provide an outstanding education for all our children and that the School Leadership Team and all staff work hard to build positive relationships with all parents and the wider community. However, the school is obliged to have procedures in place in the event that there are complaints by parents or members of the public. The following policy sets out the procedure that the school follows in such cases.

2. Aims

Essex Primary School aims to meet its statutory obligations when responding to complaints from parents of pupils.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed. The school will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will make sure we publicise the existence of this policy and make it available on the school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

3. Who can make a complaint?

Anyone can make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions). This includes:

- parents or carers of children no longer at the school
- members of the public

Complainants will be given the opportunity to complete the complaints procedure in full, unless you possess clear evidence that the complaint meets the **serial complaint criteria**.

Once the process has been completed and the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and the school may choose not to respond. The school will not mark a complaint as 'serial' before the complainant has completed the procedure.

Anonymous complaints will be dealt with under a different procedure.

4. How can a complaint be raised?

A complaint may be made:

- in person, by telephone or in writing
- by a third party acting on behalf of the complainant

The school needs to ensure that you have written consent from the complainant before disclosing information to a third party.

5. Audio or video evidence

Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings.

The DfE do not normally accept electronic recordings as evidence when they are asked to consider a complaint. However, they may accept independently notarised transcriptions of recordings. DfE may also ask for the written consent of all recorded parties.

6. Legislation and guidance

This document meets the requirements of section 29 of the Education Act 2002, which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on guidance for schools on complaints procedures from the Department for Education (DfE), including the model procedure, and model procedure for dealing with serial and unreasonable complaints.

In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

7. The complaints Procedure

a) Stage 1 – Informal

The complaint is dealt with by an appropriate staff member (e.g. class teacher) or designated Stage 1 Complaints Officer (who is not the subject of the complaint).

In the vast majority of cases, a concern can and should be resolved by contacting the appropriate member of staff. This may be the subject teacher, head of a year, form tutor or other designated staff member directly involved with the reported problem.

The initial communication from the complainant to the member of staff may be by letter, telephone conversation or in person by appointment.

- Acknowledge complaint within 2 working days **
- The complainant must allow the designated staff member 5 working days to respond to the concern.
- If this does not lead to a resolution of the concern/s raised then the complainant must be informed and an extension given and/or
- The concern/complaint must be referred to the next stage of the complaints process, which is the commencement of the formal process.

- Complainant is informed of next process in writing.

*** In some cases it may be necessary to acknowledge the complaint immediately. Please refer to the Addendum for further guidance.*

b) Stage 2 – Formal (if unresolved at Stage 1)

The Executive Head Teacher (or designated person in special circumstances) hears the complaint.

If the complainant is dissatisfied with the response from the member of staff at Stage 1, they should be advised to put their complaint in writing to the Executive Head Teacher who will deal with it formally at Stage 2. Where the Executive Head Teacher is the subject of the complaint, the complainant should be advised to address it to the Chair of Governors. If the complaint is, being dealt with by the Chair of Governors this will bypass Stage 2 and go to Stage 3 of the formal procedure and heard by the Chair of Governors or another appropriate person.

The complainant must ensure that they include details of why they are still dissatisfied and what action they believe they would like to see happen to resolve the complaint. They can also attach any evidence to support their concerns.

- Acknowledge complaint within 5 working days
- The Executive Head Teacher / designated officer may feel it necessary to meet with the complainant, notes of which will be kept as part of the investigation.
- The complainant must allow the designated staff member 20 working days to respond (including to investigate, look at previous findings and respond to the concern).
- If this does not lead to a resolution of the concern/s raised then the complainant must be informed and an extension given.
- Complainant is written to with the outcome and also informed of next process.

c) Stage 3 -Formal (if not resolved at stage 2)

If the complainant is dissatisfied with the response from the Executive Head Teacher at Stage 2, the complainant should put the complaint in writing to the Chair of Governors for consideration at Stage 3 of the procedure.

The complainant must ensure that they include details of why they are still dissatisfied with the decision, the recommendations and actions of the Stage 2 complaint and what they require to resolve the matter.

- Acknowledge complaint within 5 working days
- The Chair/Vicechair or designated person may feel it necessary to meet with the complainant to establish further facts and obtain further information. The designated person can seek support to arrange this via School Support Services. Meeting notes will be kept.
- The complainant must allow the designated staff member **20 working days to respond** (including to investigate, look at previous findings and respond to the concern).
- If this does not lead to a resolution of the concern/s raised then the complainant must be informed and an extension given.
- Once satisfied that the investigation has been concluded and a decision has been reached on the complaint, the designated person will notify the complainant in writing of the conclusion.
- The conclusion could be:
 - The evidence indicates that the complaint was substantiated and therefore upheld

- The complaint was substantiated in part and what action will be taken
- The complaint is not substantiated by the evidence and therefore not upheld
- The complainant is informed if they are still dissatisfied they can write to the Governing Body directly via the school or, School Management Support (SMS) at The Education Space (NPW), outlining why they feel the complaint is unresolved and they feel it could be resolved.

d) Stage 4 – Formal (if not resolved at Stage 3)

The Governing Body hears the complaint.

If the complainant is dissatisfied with the response from the Chair of Governors (or designated person) at Stage 3 they should be advised that the next stage is to put their complaint in writing to the Governing Body at Stage 4. The letter can be sent to the school or to School Management Support at The Education Space.

The complainant must ensure that they include details of why they are still dissatisfied with the decision at Stage 3, recommendations and actions of the Stage 3 complaint and what they feel would resolve the complaint. They may also attach any evidence to support their complaint.

If the complaint is received by the School then to contact School Management Support who can provide support, advice and assistance with process or follow the process below:

A panel of Governors (minimum 3) who form a complaints appeal panel considers the complaint. The panel must be independent and impartial. No governor may sit on the panel if they have had prior involvement in the complaint or in the circumstances surrounding it. The panel to have a cross-section of categories of governors and sensitive to the issues of race, gender and religious affiliation. If appropriate, the panel can be made up of governors from another school. The schools will ensure that details of complaints is not shared with the whole governing body at any stage while they are still being considered/investigate, in case governors are required for the complaints panel, (this allows for an impartial panel).

- The panel must convene a meeting to discuss the complaint and all the investigation evidence to make a final decision on how to progress. A clerk should be appointed to take notes of the meeting and records must be kept.
- The Executive Head Teacher has a statutory duty for the internal organisation and management of the school, which they must carry out in accordance with any rules, regulations or policies laid down by the governing body. Therefore, the remit of governors' consideration of a complaint about a matter of internal organisation and control will be as to whether the Executive Head Teacher has followed any relevant school policies; it is not to substitute its own operational judgement for that of the Executive Head Teacher.

The panel can decide:

- To convene a meeting with the complainant. If a meeting is to be convened, the person chairing the meeting, either the Chair or Vice-chair (whoever did not deal with the complaint at Stage 3), will write to the complainant to acknowledge the complaint within 10 school days. The letter would also include the date, time and venue of the convened meeting to hear the complaint.
- On the appropriate action to be taken to resolve the complaint
- For non-complex complaints, not to meet with the complainant, but to use all the information available to them and decide on the complaint as there is enough information to allow a decision to be made.

Possible outcomes for the Panel:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Recommend changes to school systems or procedures to ensure that similarly do not occur

An outcome letter will be sent to the complainant within 20 school days of the meeting.

The letter will inform them of Stage 5.

e) Stage 5 – (once the school complaints procedure has been exhausted)

The outcome letter from the School Complaints Panel exhausts the 4 Stage procedures.

If the complainant is dissatisfied with the process, they are able to contact:

Department for Education Piccadilly Gate,
Store Street Manchester, M1 2WD

Helpline: 0370 000 2288

The DfE will examine if the school complaints policy and any other relevant processes were followed. The DfE will also examine policies to determine if they adhere to education legislation. The DfE's role is to review the complaints and look at the handling of the complaints at the earlier stage and the procedure applied. Schools must ensure that they follow their procedure correctly and keep accurate recording of communication with the complainant at every stage, ensuring time, being reasonable and acting lawfully.

f) Complaint against the Governing Board

If the complaint is about a member of the governing board or the entire governing body, a formal written complaint must be sent to Governor Support at The Education Space.

Complaint Form

Please complete and return to.....(Named person or school office) who will acknowledge receipt and explain what action will be taken.

| |
|---------------------------------------------------------------------------------------------|
| Your name: |
| Pupil's name (if relevant): |
| Your relationship to the pupil (if relevant): |
| Address: Postcode: Daytime telephone number: Evening telephone number: |
| Please give details of your complaint: |

What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?

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

Are you attaching any paperwork? If so, please give details.

Signature:

Date

OFFICIAL USE

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Managing serial and unreasonable complaints

Essex 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 our 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.

Essex Primary School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
 - uses threats to intimidate
 - uses abusive, offensive or discriminatory language or violence
 - knowingly provides falsified information
 - publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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 ask them to change it. For complainants who excessively contact Essex 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 be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Essex Primary School.

Emergency Procedure for Parental Communication outside the Complaints Policy

Rationale:

On some occasions it may be necessary to respond to a parent's concern outside the time frame provided in the Complaints Policy. Some examples of when this procedure may be followed:

- If an accident/incident has taken place at breaktime or at lunchtime
- If an incident takes place in the classroom and parents require further information or parents are concerned with regards to the incident

We will refer to this as an Emergency Procedure for Parental Communication. Communication can take a variety of forms: verbal (through meetings or by telephone); written (through letters); via email. Our aim is to utilise all means of communication effectively.

Aims:

The school aims to have:

- Positive two-way communication to build your child's self-esteem.
- To establish open and friendly relationships with parents, it is appropriate that relationships are professional and parents are addressed in a formal manner.

Communication at Essex:

- At the beginning of each academic year group Expectation meetings ('Meet the teacher') are organised. During this meeting the parent / teacher communication procedure is explained. The first port of call for parents is to speak to the class teacher at the end of the day when collecting their child.
- Essex Primary organises Parents' evenings (Parent consultation meetings) each term. All parents are invited to attend parent consultation or evening each term to review the academic, personal and social progress of their child.

Procedures for teacher / parent communication:

- The school encourages parents to share any issues about their child at the earliest opportunity. The relevant member of staff will arrange to see parents as soon as possible.
- Communication from parents should be polite and civil at all times. Rudeness, inappropriate language, verbal abuse or threatening behaviour will result in the communication being ended immediately. Should the Headteacher deem it necessary for safeguarding and security reasons, action will be taken and restrictions may be put in place for future communication.
- Email - Parents may wish to contact the school via email as an alternative to telephone or letter. Admin staff will forward any communication to the appropriate staff member for whom the

message relates. All email communication will be treated in the same way as a letter. The relevant staff will respond to the parent (via a meeting or a call) within 24 hours of receiving the concern.

- The staff member will then investigate the parent's concern and respond to the parent either verbally through a telephone call or a face to face meeting with updated information from the investigation. This should take place on the next working day after the staff member has spoken to the parent about their concern.
- Telephone calls - All telephone enquiries will pass through the main school office, who will direct the call to the relevant member of staff. In the likely event that the member of staff is not available to answer the call a message should be left and a return call will be placed at the earliest appropriate time.
- Meetings - At times, at the request of the school or parent, a meeting may take place if either party feel that this would be the most appropriate communication method. Meetings are conducted to discuss formally points or concerns pertaining to a student's welfare or well-being. All meetings must be agreed in advance.

Procedures for staff communication:

1. Any incident which takes place outside of the classroom, staff (Support staff, Middays , Learning Mentors, Office staff etc.) are responsible for informing the class teacher before the end of the day so that this information can be shared with parents on the same day.
2. If an incident takes place in school hours inside or outside of the classroom, the class teacher must inform parents at the end of the day. If a pupil has hurt themselves and first aid is provided the first aid letter (slip) must be given to the parent on the same day.
3. If the pupil is not collected by the parent a phone call must be made to the parent informing them of the incident.
4. If a parent makes a complaint or would like information on an incident which the class teacher is not aware of, the class teacher must respond to the parent within 24 hours of receiving the concern.
5. The class teacher must investigate the incident, take pupil account and have information on action taken or outcome and respond to the parent either verbally through a telephone call or a face to face meeting with updated information from the investigation. This should take place on the next working day after the staff member has spoken to the parent about their concern.
6. Organise time/ meeting with parents to update them with the information found.
7. If the parent is not satisfied with the response, the class teacher will seek advice from the year group leader or phase leader accordingly.