PARENTS' COMPLAINTS POLICY

MAY 2016

Rachel Mottershead

Contents

1. Introduction 3
2. Raising a concern or complaint 4
3. Dealing with concerns informally 3
4. Formal stages 3
5. Role of the Secretary of State of Education 8
6. Vexatious Complaints 9
7. Complainants who behave in an unacceptable way 9
8. Confidentiality 9

1. Introduction

The way in which Thames View Junior responds to criticism is an important measure of our accountability and of our commitment to continued improvement. Thames View Junior values are concerned with meeting the needs of pupils, parents and other stakeholders. We recognise that feedback is an essential component of self-evaluation and the further raising of standards. All stakeholders should feel that their concerns or complaints can be voiced and will be considered seriously.

Parents/carers of pupils attending Thames View Junior may wish to raise concerns or complain about some aspect of activity. This policy describes how to handle and respond to such criticism as well as to complaints from others. This policy applies to all employees of the school.

At Thames View Junior we take informal concerns seriously and aim to see a resolution at the earliest stage in order to reduce the number that develop into formal complaints.

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

Formal procedures will 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.

Thames View Junior 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.

Thames View Junior 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.

2. Raising a concern or complaint

A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions or a lack of action'.

In line with the Equality Act 2010, complaints can be raised in person, in writing or by telephone. Records of complaints and their progress through the stages will be kept by the School Office.

3. Dealing with concerns informally

Stage one: - Local resolution of the problem (the informal stage)

In the vast majority of cases a problem can and should be resolved by contacting the appropriate member of staff. This may be the teacher, member of senior leadership or member of staff directly involved with the problem. The initial communication with the member of staff may be by letter, telephone conversation or in person by appointment. Where this action does not lead to the problem being resolved then the complaint should be dealt with through the formal stages of this procedure.

In cases of serious concerns, address them directly to the Head Teacher or, if the complaint is about the Head Teacher, to the Governing Body. Complaints against the Chair of Governors or any individual governor should be made in writing to the clerk or the Governing Body.

4. Formal Stages

Stage two – The Formal Stage 1
If the complaint is not resolved at the informal stage, complainants must put the complaint in writing. Complaints recorded in writing will be passed to the Head Teacher, or, if the complaint is about the Head Teacher, to the Chair of the Governing Body for the attention of the Chair, who will be responsible for ensuring that the complaint is investigated appropriately.

Formal Stage 1 Complaint Form
A complaint form is provided to assist you.

Please pass the completed form, in a sealed envelope, to the Head Teacher or to the Clerk of the Governing Body, as appropriate.

The Head Teacher should write to the complainant within 5 school days of receipt of their letter, setting out who is conducting the investigation and that the Head Teacher will write again to the complainant within a further 10 school days setting out the actions taken to investigate the complaint and their findings (that is in total 15 school days from the date the complaint letter was received).

The Head Teacher or the Chair of Governors will be responsible for appointing another senior member of staff to carry out the investigation and report their findings to them who will then reach a conclusion based on the investigation. Notes should be kept of any interviews held as part of the investigation. In order to clarify the specific details of the complaint, the nature of the complaint and any background to the complaint, the investigating officer may feel it necessary to meet with the complainant. The investigating officer should produce notes of this interview.

At the conclusion of their investigation the investigating officer will compile a report detailing their findings and any recommendations or actions they propose need to be considered by the Head Teacher.

Before the Head Teacher (or senior member of staff investigating) interviews a member/s of staff, they must be informed that they can be accompanied by a colleague or representative of a recognised union or professional association.

Once satisfied that the investigation has been concluded and they have reached a decision on the complaint, the Head Teacher or Chair of Governors will notify the complainant in writing of their conclusions and any actions that will be taken as a result of the complaint (except where this would involve taking any formal action against individual members of staff which would remain confidential). This should be done no later than 15 school days as set out above. The Head Teacher or Chair of Governors may feel it appropriate to meet with the complainant to communicate their findings.

The outcome of the investigation would usually be one of the following but not limited to:

- The evidence indicates that the complaint was substantiated and therefore upheld
- The complaint was substantiated in part or in full (some details would be given of the actions the school will take in response to the complaint except where they may be of a disciplinary or other such nature relating to an individual member of staff)
- There is insufficient evidence to reach a conclusion so the complaint is inconclusive
- The complaint is not substantiated by the evidence and therefore not upheld

At this stage the complainant will be told that consideration of the complaint by the Head Teacher is now concluded. The complainant will also be informed that if they are not satisfied with the manner in which the process has been followed, they may request that the Governors' Appeal Panel (GAP) review the process followed by the Head Teacher in handling the complaint.

Stage three – The Formal Stage 2

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that The Governing Body review the process followed by the school in handling the complaint. Any such request must be made in writing to the Clerk of the Governing Body, within 10 school days of receiving the notice of outcome, and include a specific statement specifying any perceived failures to follow the procedure.

Any review of the process followed by the school will be conducted by a panel of 3 members of the Governing Body. In deciding the makeup of the Governing Body panel, where possible the Governing Body will try to ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation. This will usually take place within 10 school days of receipt of the request.

The Head Teacher may not serve on the Governors' Appeal Panel (GAP). If the Chair of the Governing Body has had any prior involvement in the complaint, then the Chair must not sit on the Panel.

The GAP will consider the complaint on the basis of the written evidence and set up a hearing to hear both parties. The GAP will reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.

The Chair of the GAP should take a decision at the beginning of Stage 2 on whether to seek the services of a Clerk to:

- Deal with the administration of the procedure;
- Provide independent advice on procedure and evidence;
- Ensure that the relevant facts are established;
- Minute the meeting; and
- Draft the decision letter.

The Clerk/Chair of the GAP will write to the complainant within 5 days to explain how the review will be conducted. The letter will be copied to the Head Teacher. The Clerk/Chair of the GAP will confirm the date of the meeting with the other governor(s). The complainant and Head Teacher will be invited to attend the meeting. The date and time of the meeting should be convenient to the complainant and CEO, within reason. The notification will inform the complainant of his/her right to be accompanied to the meeting by a friend/representative. It will also explain how the meeting will be conducted and of the complainant's right to submit further written evidence to the committee. The Head Teacher will also be invited to prepare a written report for the GAP in response to the complaint.

All relevant correspondence regarding the complaint will be circulated to the GAP, the complainant and the Head Teacher in advance of the meeting. If the Head Teacher and/or the complainant wish to call witnesses, the agreement of the Chair of the GAP will be obtained in advance of the meeting. It is the responsibility of the Chair of the GAP to ensure that the meeting is properly conducted. However, the proceedings will be as informal as possible. The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant. However, at the end of the meeting the GAP will need to issue a finding in writing either upholding or not upholding the complaint or upholding some parts and not others. If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to respond to new evidence. Late evidence of witnesses will not be accepted unless there is a good reason for the lateness.

The meeting will allow for:

- The complainant to explain his or her complaint and the Head Teacher to explain the reasons for his or her decision;
- The Head Teacher to question the complainant about the complaint and the complainant to question the CEO;

- The GAP to have an opportunity to question both the complainant and the Head Teacher;
- Any party to have the right to bring witnesses (subject to the approval of the Chair of GAP) and all parties having the right to question all the witnesses;
- A final statement by the Head Teacher and complainant.

The Chair of the GAP will explain to the complainant and the Head Teacher that the GAP will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, Head Teacher and any witnesses will then leave. The GAP will consider the complaint and all the evidence presented and reach a unanimous, or at least a majority, decision on the complaint. Where appropriate the GAP can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure that problems of a similar nature do not happen again.

The GAP will not pay financial compensation as a response to a complaint, though may spend money on an appropriate educational purpose. The Clerk/Chair of the GAP will send a written statement outlining the decision with reasons, incorporating the findings of the panel and any recommendations, to both the complainant and the Head Teacher. A copy of the written statement will be made available for inspection on the school premises by the Chair of Governors and the Head Teacher. Stage 2 will be completed in 15 school days. However, it is recognised that this timetable is likely to prove impossible for complaints which are complex. In such cases the chair of the complaints committee will write to the complainant and Head Teacher giving a revised target date.

5. Role of the Secretary of State for Education

If the complainant is unhappy with the way in which a school has dealt with the complaint, they may be able to approach the Secretary of State for Education to intervene. Complainants should be advised to write to The School Complaints Unit (SCU) at:

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

What will the Department for Education do?

If a complaint has exhausted the local procedures, the SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. The SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools.

6. Vexatious Complaints

There will be occasions when despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body can inform the complainant in writing that the procedure has been exhausted and that the matter is now closed.

7. Complainants who behave in an unacceptable way

The Academy recognises that parents and carers who feel dissatisfied may feel angry about their treatment. However the Academy and the Local Governing Body have a duty of care towards the safety and welfare of its staff.

If a member of staff feels threatened by a complainant, they will report those fears to the Head Teacher (or in the case of the Head Teacher, to the Chair of the Local Governing Body). The Head Teacher or Chair of the Local Governing Body will complete an incident report form and as part of the action arising from his/her investigation may consider:

- writing to the perpetrator requiring a guarantee of no repetition of the behaviour and, if necessary, setting out the conditions and restrictions for further contact with staff;
- temporarily banning the parent or carer from the Academy site;
- whether to report the matter to the police.

8. Confidentiality

All correspondence, statements and records of complaints will be kept confidential.

Appendix 1

Thames View Junior School Formal Stage

Complaint Form

Please complete this form and return it to the Head Teacher or the Chair of the Governing Body, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: ……..

Relationship with school (e.g. parent of pupil on the school's roll):

……

Pupil's name (if relevant to the complaint)

……

Your address:

Daytime Telephone number: ……..

Evening Telephone number: ……

Please give concise details of your complaint to allow the matter to be fully investigated.

Date and times of events:

You may continue on separate paper, or attach additional documents, if you wish.
Number of Additional pages attached:
What action, if any, have you already taken to try to resolve your complaint?

What actions would you like the school to take to resolve your concern at this stage?

Signature:

Date:

Thames View Junior use:
Date Form received:
Received by:
Date acknowledgement sent:
Acknowledgement sent by:

Complaint referred to:			
Date:			