



Complaints Procedure Policy

Date	Review Date	Endorsed by	Approved by	Link Governor
Dec 2016	Dec 2017	Resources Committee	Governing Body	Michelle Knott

We at The Devonshire Hill Nursery and Primary School believe that this school provides an excellent education and that the Headteacher and school personnel work very hard to build positive relationships and have in place clear lines of communication with all parents and others. In so doing complaints are kept to a minimum.

However, we are aware that under section 29 of the Education Act 2002 we must have in place clear procedures to deal with any complaint made against the school or individuals connected with it. We take any complaint seriously and we deal with them professionally following set procedures.

We believe complaints need to be resolved as quickly as possible but in some cases, we need to establish whether the issue brought to our attention is a complaint or an actual concern. In such cases 'many issues can be resolved informally without the need to invoke formal procedures'.

We agree with the definition that a concern is 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought.' While a complaint is best defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'. By making this distinction between a concern and a complaint and taking all informal concerns seriously the number of concerns should reduce before developing into formal complaints.

We must be aware that besides parents/carers of children who are registered at this school any member of the public can make a complaint about 'any provision of facilities or services' that we provide at this school.

We are aware that under the Education Act 1996 parents have the right to complain directly to the local authority about any matter relating to the school's curriculum, any issue relating to the general education that we provide.

We have a duty to inform parents and the public who may wish to make a complaint against an organisation using school facilities that they must lodge their complaint with that organisation and not the school.

We have a duty to publish the complaints policy in the school handbook and on the school website with hard copies available from the school office.

We understand that a complaint may be made in writing, by telephone or in person. However, we will endeavour to accommodate those complainants who may be disabled or have learning difficulties by having in place alternative methods of registering a complaint.

We as a school community have a commitment to promote equality. Therefore, an equality impact assessment has been undertaken and we believe this policy is in line with the Equality Act 2010.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that relates to this policy.

The following documentation is also related to this policy:

- Complaints About Ofsted: Raising Concerns and Making a Complaint about Ofsted (Ofsted 2015) – **Guidance A**
- School Admission Appeals Code (DfE 2012) – **Guidance B**
- Best Practice Advice for School Complaint (DfE 2016) – **Guidance C**

Aims

- To deal with any complaint against the school or any individual connected with it by following the correct procedures;
- To deal with all complaints thoroughly and by being open, honest and fair when dealing with the complainant;
- To differentiate between a concern and a complaint;
- To ensure compliance with all relevant legislation connected to this policy;
- To work with other schools and the local authority to share good practice to improve this policy.

Responsibility for the Policy and Procedure

Role of the Governing Body

The Governing Body has:

- A duty to have in place a complaints procedure;
- Responsibility to ensure that the complaints procedure complies with their obligation under the Equality Act 2010;
- Delegated powers and responsibilities to the Headteacher to ensure all school personnel and visitors to the school are aware of and comply with this policy;
- Responsibility to deal with any complaint made against the Headteacher;
- Responsibility not to share complaints with the whole governing body in case an appeals panel must convene;
- Responsibility to arrange for an independent panel to hear a complaint if the whole governing body have been 'contaminated' by having full knowledge of the complaint;
- Responsibility of annually discussing the concerns/complaints log with the Headteacher;
- In place a self-evaluation process to monitor the way complaints are dealt with and to consider what improvements can be made to the complaints procedures;
- Responsibility of considering any local or national decisions that affect the complaints process, and will make any modifications necessary to this policy;
- Responsibility for ensuring that the complaints procedure is publicised on the school website and in the school handbook, is concise, simple to understand and impartial;
- Responsibility for ensuring that the school complies with all equalities legislation;
- Nominated a designated Equalities governor to ensure that appropriate action will be taken to deal with all prejudice related incidents or incidents which are a breach of this policy;
- Responsibility for ensuring funding is in place to support this policy;
- Responsibility for ensuring this policy and all policies are maintained and updated regularly;
- Responsibility for ensuring all policies are made available to parents;
- Nominated a link governor to:
 - Visit the school regularly;
 - Work closely with the Headteacher and the coordinator;
 - Ensure this policy and other linked policies are up to date;
 - Ensure that everyone connected with the school is aware of this policy;
 - Attend training related to this policy;
 - Report to the Governing Body every term;
 - Annually report to the Governing Body on the success and development of this policy.
- Make effective use of relevant research and information to improve this policy;
- Responsibility for the effective implementation, monitoring and evaluation of this policy.

Role of the Headteacher

The Headteacher will:

- Deal with all complaints impartially and in a non-adversarial manner;
- Keep the complainant fully updated at all stages of the complaints procedure;
- Keep records;
- Not share third party information;
- Seek an interpreter if the need arises;
- Refer any complaint made against him/her to the Chair of Governors;
- Ensure full and fair investigations are undertaken by an independent person where necessary;
- Ensure confidentiality always;
- Ensure all complaints are resolved as quickly as possible within realistic time limits;
- Log all complaints received by the school and records how they were resolved;
- Discuss the complaints log every year with the Governing Body;
- Monitor and review complaints to see how they can contribute to school improvement;
- Ensure all school personnel, pupils and parents are aware of and comply with this policy;
- Work closely with the link governor and coordinator;
- Provide leadership and vision in respect of equality;
- Provide guidance, support and training to all staff;
- Make effective use of relevant research and information to improve this policy;
- Monitor the effectiveness of this policy by speaking with school personnel, parents and governors.

Role of the Complainant

We ask the complainant to:

- Cooperate with school to find a solution to the complaint as quickly as possible;
- Provide enough information as possible;
- Be respectful to everyone involved in the complaint procedure.

Complaint Procedures

Stage 1 (Informal Stage)

- Complainant has an informal discussion with the person closely involved with the complainants cause for concern or with the Headteacher direct;
- If after the discussion the matter is not resolved or if the complainant is not happy with the way that it has been handled, then the process moves to the next stage;
- However, every effort should be made to resolve the matter at this stage.

Stage 2 (Formal Stage)

- Once a formal written complaint is received from the complainant then the Headteacher will undertake an investigation and reply in writing to the complainant within 15 days;
- However, if the complainant is not satisfied with the outcome then the complainant should move to the next stage;
- If a formal written complaint is received about the Headteacher from the complainant, then the complaint must be sent to the clerk to the governor's complaints appeal panel with a written reply being sent to the complainant within 15 days;
- If the complainant is not satisfied with the outcome, then the complainant should move to the next stage.

Stage 3 (Formal Stage)

- The complainant writes formally to the clerk to the governors' complaints appeal panel outlining the reasons why he/she is not happy with the outcomes of the Headteacher's investigation;
- The complainant requests that an appeals panel reviews the complaint;
- An appeals panel meets within 12 to 20 days after receipt of the complainant's letter;
- The complainant may request an investigation by the LA if he/she feels that that the review has not been handled fairly or if it has not been conducted in accordance with the school's complaints procedures.

Formal Complaint to a Local Authority

- Once a request has been received then the Local Authority complaints officer will only investigate whether the school has followed correct procedures in dealing with complaints but will not investigate the complainant's original complaint;
- After the investigation, the complaints officer will write formerly to the complainant;
- If the result is that the school did not follow correct procedures, then the complaint will be referred to the chair of the governing body;
- If the result is that the school dealt with the complaint correctly, then the Local Authority cannot make the school change its decision;
- The complainant may now wish to lodge an appeal with the Secretary of State for Education or with the Local Government Ombudsman.

Complaints regarding the Curriculum and General Educational Provision

All curriculum and general educational provision complaints will be dealt with by the Local Authority in line with their set complaints procedures.

Unreasonable Complaints

The Devonshire Hill Nursery and 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 act to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The Devonshire Hill Nursery and 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 considered 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 them replaced;
- Changes the basis of the complaint as the investigation proceeds;
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);

- Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- Seeks an unrealistic outcome;
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- Maliciously;
- Aggressively;
- Using threats, intimidation or violence;
- Using abusive, offensive or discriminatory language;
- Knowing it to be false;
- Using falsified information;
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the 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 The Devonshire Hill Nursery and 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 The Devonshire Hill Nursery and Primary School.

Raising Awareness of this Policy

We will raise awareness of this policy via:

- The school website;
- The Staff Handbook;
- Meetings with parents such as introductory, transition, parent-teacher consultations and periodic curriculum workshops;
- School events;
- Meetings with school personnel;
- Communications with home such as newsletters;
- Headteacher reports to the Governing Body;
- Information displays in the main school entrance

Training

All school personnel:

- Have equal chances of training, career development and promotion;
- Receive training on induction which specifically covers:
 - All aspects of this policy;

- Communication;
 - Community Links;
 - Community Cohesion;
 - School Website;
 - Home-School Agreement;
 - Equal opportunities;
 - Inclusion.
-
- Receive periodic training so that they are kept up to date with new information;
 - Receive equal opportunities training on induction to improve their understanding of the Equality Act 2010 and its implications.

Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people based on their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

Monitoring the Effectiveness of the Policy

The practical application of this policy will be reviewed annually or when the need arises by the coordinator, the Headteacher and the link governor.

A statement of the policy's effectiveness and the necessary recommendations for improvement will be presented to the Governing Body for further discussion and endorsement.

This policy was reviewed and endorsed by the Full Governing Body of The Devonshire Hill Nursery and Primary School on Tuesday 20th December 2016.