



## **St. Mary's Church of England VC Infant School**

*'Sharing, Caring, Learning and Loving with God'*

### **ST MARY'S INFANT SCHOOL**

#### **Complaints Policy**

**Policy Review:**

**This Policy will be reviewed by the staff every 2 years**

<b>Reviewed</b>	<b>September 2019</b>
<b>Next Review</b>	

## **Information for Parents**

### **HOW TO COMMENT OR COMPLAIN**

#### **We care about what you think**

Each day this school makes many decisions and tries hard to do the best for all the children. Your comments - either positive or negative - are helpful for future planning. You may want to talk to us about a particular aspect of this school, though not actually make a complaint - you just want to get something 'off your chest'. Whatever it is, use the information given in this document and let us know your views.

If you are dissatisfied about the way your child is being treated, or any actions or lack of action by us, please feel able to complain.

#### **Our promise to you**

- Your complaint will be dealt with honestly, politely and in confidence
- Your complaint will be looked into thoroughly and fairly
- If your complaint is urgent we can accelerate the process
- We will provide a progress report at each stage
- You will get an apology if we have made a mistake
- You will be told of any remedial action resulting from the complaint
- You will get a full and clear written reply to formal complaints within the timescales set out in the formal stages below

#### **How to make a complaint**

- Complaints must be made within 3 months of the event. Complaints after this period will not be considered.
- Line Managers or other delegated managers will investigate a complaint about a member of staff.
- Anonymous complaints will not be considered.

#### **Stage 1A (Informal)**

If you have a concern about anything we do, or if you wish to make a complaint, you can do this by telephone, in person or in writing (see additional note 1 below). We hope that most complaints can be settled quickly and informally, either by putting matters right or by giving you an explanation. If there is something you are not happy about, or you do not understand why we are doing something in a particular way, please come in and discuss it with the class teacher or other appropriate member of staff, such as the Inclusion co-ordinator (INCO) if it is about special needs.

We know that it can feel uncomfortable to question or challenge, but if you don't tell us what is worrying you, we cannot explain what we are doing or try to put it right.

#### **Stage 1B (Informal)**

If your complaint is not resolved through your initial contact such as the class teacher, you can request for the matter to be referred to the Key Stage Leader. The Key Stage Leader will contact you and may ask to meet with you informally to hear your complaint. She may request a period of time to look into the matter further before contacting you again.

The class teacher, the Key Stage Leader or other members of staff can deal with many enquiries and concerns satisfactorily without the need to resort to a formal procedure. The School values informal meetings and discussions.

There is no suggested time-scale for resolution at this stage given the importance of dialogue through informal discussion although it would be expected that most issues would be resolved within 10 working days. Should this informal stage require more time then the School will inform you of this in writing as soon as this is known.

If the complaint is about the Headteacher or a Governor then the Chair of Governors will consider the complaint at the formal level (2).

Should the face-to-face discussions appear unlikely to resolve matters, either party may initiate a move to the next stage (Stage 2) of the procedure. A copy of the school's complaints policy will be forwarded to you (the complainant) at this stage. You will be asked to complete the formal complaints form and return it to the Headteacher.

### **Stage 2 (Formal)**

Dealt with by the Headteacher unless the complaint concerns the Headteacher in which case the Chair of Governors will be personally responsible for following the procedures in Stage 2. For all other cases the Headteacher deals with this Stage.

This stage can be initiated if/ when dissatisfaction with the outcome of Stage 1 is received by the school. At this point, a copy of these Procedures and Policy will be sent to the complainant within **three school days**, together with the formal complaint form (Appendix A). The form is structured so that each party has a common understanding about the complaint.

As the main purpose of the process is to achieve reconciliation, complainants are also asked what actions might resolve the problem.

After the formal complaint form is returned, it will be acknowledged **within three school days** and the investigation will commence.

This is the first stage of the formal complaints process and as a result, all communications between parties will be recorded in writing.

Before proceeding with a formal investigation, the Headteacher may wish to meet with the individual and discuss his/her concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the Headteacher will decide whether the individual's complaint will be dealt with by this policy or another statutory procedure. In the latter case, the Headteacher will advise the complainant on what will need to be done.

The Headteacher may delegate the task of collating the information to another staff member, but not the decision on the action to be taken. The investigation will involve the review of any relevant documentation and information. If necessary, witnesses will need to be interviewed and statements taken from those involved. The outcome of the investigation should be communicated to parents/carers, either at a meeting (followed up in writing) or as a written response. This response should explain the outcome and should be supported by reasons for reaching this decision and what action, if any, will be taken. (If management action is subsequently required against an employee of the school, the parents/carers will not have access to this information). This response should be provided within **10 school days of acknowledging the complaint**. If a **longer timescale is required the complainant will be informed in writing**. If the complainant is still dissatisfied with the response given and would like to take the complaint further, they should make this clear in writing to the Headteacher. On receipt, s/he will send on the complaint form and all associated information to the Chair of Governors (3).

### **Stage 3 (Formal)**

Dealt with by the Governors' Complaints Panel.

On receipt of the information from the Headteacher, the Chair of Governors will verify that the parent/carer has properly exhausted all Stage 2 procedures. If not satisfied, the Chair will refer the matter back to the Headteacher. When satisfied, the Chair will contact the Clerk and liaise with him or her to make preparatory arrangements for the Governors' Complaints Panel Meeting. The Clerk may be the Clerk to the Governing Body, or another clerk appointed with the assistance of the Hertfordshire Governance services.

The Chair of Governors will identify three governors chosen from an agreed pool of governors to form the Complaints Panel, and the Panel will appoint its own chair. In exceptional circumstances, an Independent Panel may be used by the school due to the nature of the complaint and make-up of Governors presently at the school.

The Chair of Governors or Clerk to the Governors' Complaints Panel will acknowledge (to the complainant) receipt of the information from the Headteacher **within five school days**. This letter will inform the parent/carer that the complaint will be heard by the Complaints Panel **within 15 school days**. In exceptional circumstances, the parent/carer will be notified where this time period will need to be extended and the reasons for this.

The Clerk of the Panel will convene a meeting of the Complaints Panel, (as identified by the Chair of Governors), and arrange a time and date for the meeting. All relevant documentation from the Headteacher and the parent/carer will be distributed to all parties, (including the Panel members) in advance of the meeting (4).

The Panel has discretion as to how it will carry out its duties. As part of this, parents/carers will be asked to attend a meeting of the Panel (with accompanying relative or friend if desired). The Chair of the Panel will ensure that the parent/carer is notified of the Panel's decision in writing within five school days of the meeting. The response will include action (if any) that needs to be taken and, where appropriate, suggest changes to, or review of, the school's systems or procedures to ensure that similar problems do not happen again (5). If the complaint runs into a school's holiday then the clerk may write to the parents requesting an extension on the five school days response time.

#### **Stage 4**

Most complaints are the responsibility of the governing body of the school and will be resolved by them. A small number of complaints cannot be resolved by this process.

In the case of complaints about **Special Educational Needs** you can complain further to the Local Education Authority. This should be done by writing to the Complaints Manager (see Complaints Helpline in the Appendix below.)

In the case of complaints about **Denominational Religious Education** or **Collective Worship** you can complain to the Diocese (see contact details below.)

#### **Serial and Persistent Complaints**

The School reserves the right to refuse to investigate a complaint if it is reasonable to regard the complaint as persistent and/or repeated.

Where the school decides that a complaint is persistent and/or repeated, the complainant will receive written notification that the complaint is not being investigated within five school days. If the complainant is unhappy with a decision not to investigate or believes that the school is being unlawful in their actions, they may refer the complaint to the Local Authority or Secretary of State.

(Further details are available in Appendix C which sets out the School's Persistent Complaints and Unreasonable Behaviours Policy.)

#### *Additional notes*

*1) If your first contact is with individual Governors, you may be asked to take up your concerns with the Headteacher or the appropriate member of staff. A Governor should not be made aware of a potential complaint as they may be required to sit on a Panel in the event of a formal hearing (Stage Three) and should be impartial.*

*2) If your complaint is about the Headteacher, you should write to the Chair of Governors at the school. If your child has an Education, Health and Care Plan (EHCP) you might find it helpful to talk to the Inclusion Coordinator (INCo) at the school. The SEND Information Advice and Support Service (SENDIASS) may also be able to help you (see Appendix below for contact details).*

*3) If your complaint is about the Chair of Governors, you should write to the Clerk to the Governing Body at the school.*

*4) You and the school must make sure the Governors' Complaint Panel is provided with any written information or evidence you intend to use in any formal hearing. You may bring a friend, representative or interpreter to any meeting if you wish. The Chair of the Panel may invite any person who may help establish the facts of the complaint. The Chair would tell you who this person is before the meeting. If any member of staff is required by the Governing Body to attend a meeting they will have the opportunity to be accompanied or represented as they wish. A member of staff named in a complaint may also choose to attend a meeting, even if not required to do so by the Governors. They may be represented. If this happens, the school will inform you in advance.*

*5) The findings of a Stage 3 complaint will be reported to the Governing Body. The Chair of Governors will then write to you confirming the outcome of your complaint and any agreed actions to be taken.*

## **Glossary**

The definitions used in this policy are:

**Chair of Governors** - The Governing Body elects a Chair each year.

**Complaint** - If a parent, carer, pupil or any individual or organisation feels that an element of the School's service is unsatisfactory or unacceptable then that is a valid complaint.

**Complainant** - A person or organisation who makes a complaint.

**Governing Body** - School Governors delegate the day-to-day management of the School to the Headteacher and their staff. Apart from Staff Governors, other Governors are non-executives in that they receive no payment for being a Governor.

**Panel Members** - The Governors Complaints Appeal Panel members are those Governors, and any independent persons, appointed by the Governors to hear a Stage 3 complaint.

**School Day** - School term-time weekdays excluding bank holidays, weekends and school holidays.

## **Review**

The Governing Body will review this policy every two years. The Governors may, however, review the policy earlier than this if the government introduces new regulations, or if the Governing Body receives recommendations on how the policy might be improved. 8 9

## Appendix A – Complaint Form

Complaint Form to be supplied with a copy of the adopted procedure  
The Procedure, at Stage 2, explains what action will be taken after receipt.

Name \_\_\_\_\_

Address \_\_\_\_\_

Postcode \_\_\_\_\_

Name of pupil (if appropriate) \_\_\_\_\_

Email address \_\_\_\_\_

Telephone No. Day \_\_\_\_\_

Evening \_\_\_\_\_

Mobile \_\_\_\_\_

What is it you want to complain about? \_\_\_\_\_

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

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How do you think your complaint can be resolved?

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## **APPENDIX C**

### **Persistent Complaints and Unreasonable Behaviours Policy**

#### **Aims of the policy**

- To uphold the standards of courtesy and reasonableness that should characterise all communication between the school and persons who wish to express a concern or pursue a complaint.
- To support the well-being of pupils, staff and everyone else who has a legitimate interest in the work of the school, including governors and parents.
- To deal fairly, honestly and properly with persistent complainants and those who are unreasonable towards members of staff in the school while ensuring that other stakeholders suffer no detriment.

In implementing this policy, the school will seek to ensure that its actions are in accordance with its obligations under the Human Rights Act 1998.

#### **Who is a persistent complainant?**

For the purposes of this policy, a persistent complainant is a parent, carer or member of the public who complains about issues, either formally or informally, at a frequency that a reasonable person would deem excessive, or frequently raises issues that the complainant considers to be within the remit of the school and whose behaviour a reasonable person would deem unreasonable.

Such behaviour may be characterised by

1. Actions which are persistent, prolific or repetitious;
2. Prolific correspondence or excessive email or telephone contact about a concern or complaint;
3. An insistence upon unrealistic or unreasonable outcomes;
4. An insistence upon pursuing complaints in an unreasonable manner.

For the purpose of this policy, unreasonable behaviour is the pursuit of such actions in (1) to (4) above in such a way that they

- a) Appear to be targeted over a significant period of time on one or more members of staff; or
- b) Cause ongoing distress to individual member(s) of staff; or
- c) Have a significant adverse effect on the whole or parts of the school community; or
- d) Are pursued aggressively or pursued persistently despite the matter having been responded to by a member of staff. For example if a parent does not agree with the response given by the member of staff and continues to seek a different response.

Actions or behaviour that fall into any of the categories described in (1) to (4) and (a) to (d) above or any other persistently unreasonable behaviour, may render an individual liable to become subject to this policy.

#### **Parents' expectations of the school**

Parents, carers or members of the public who raise either informal or formal issues or complaints with the school can expect the school to

- regularly communicate to parents and carers in writing (i) how and when problems can be raised with the school, (ii) the existence of the school's complaints procedure and (iii) the existence of this persistent complaints and unreasonable behaviours policy;
- respond within a reasonable time;

- be available for consultation within reasonable time limits bearing in mind the needs of the pupils within the school and the nature of the complaint;
- respond with courtesy and respect;
- attempt to resolve problems using reasonable means in line with the school's complaints procedure, other policies and practices and in line with official guidance and advice; keep complainants informed of progress towards a resolution of the issues raised.

### **The school's expectations of parents, carers and members of the public**

The school can expect parents, carers and members of the public who wish to raise problems with the school to

- treat all school staff with courtesy and respect;
- avoid any use, or threatened use, of violence to people or property;
- respect the needs and well-being of pupils and staff within the school;
- avoid any aggression or verbal abuse;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond;
- recognise that resolving a specific problem can sometimes take some time; in the case of a complaint, follow the school's complaints procedure.

### **The school's actions in cases of persistent complaint or unreasonable behaviour**

The school will take the following consecutive steps as necessary if the complainant's behaviour is not modified

- a) inform the complainant either orally or in writing that his or her behaviour is considered to have become unreasonable or unacceptable and may be considered to fall under the terms of this policy;
- b) inform the complainant in writing that his or her behaviour is now considered by the school to have become unreasonable or unacceptable and warn of further sanctions under this policy;
- c) inform the complainant in writing that his or her behaviour is now considered by the school to fall under the terms of this policy and that their complaint will not be investigated further until it is pursued in a manner that the school considers to be reasonable.

As appropriate, this may additionally result in the school

- i) informing the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties;
- ii) informing the complainant that, except in emergencies, all communication from the complainant to the school must be made in writing;
- iii) informing the complainant that all further correspondence and communication with the complainant will cease, other than that necessary for the health and safety of any child.

### **Physical or verbal aggression**

The school and governing body will not tolerate any form of physical or verbal aggression or personal unreasonable behaviour against school staff. If staff are subject to this type of aggression the school may

- a. Prohibit the individual from entering the school site with immediate effect;
- b. Inform the individual that communication with them will cease, other than for the health and safety of any child;

c. Take further legal action to protect school staff. This could include, amongst other action, requesting an Anti-Social Behaviour Order or prosecution under appropriate legislation.

### **Time frame and Review**

Legitimate new complaints, if not pursued in an unreasonable way, will still be considered even if the person making them is, or has been, subject to this Persistent Complaints and Unreasonable Behaviours Policy.

If a complainant's persistent complaining or unreasonable behaviour is modified and is then resumed at a later date, the school may resume the process identified above as appropriate.

If a complainant's persistent complaining or unreasonable behaviour is modified and the complaint still lies within the time limit specified in the school's complaints procedure, the school may in its absolute discretion resume its investigation of the complaint.

The school will review as appropriate, and at a minimum once in a school year, any sanctions applied in the context of this policy.