

# DELVES JUNIOR SCHOOL

## Complaints Policy



**Written by:**

**Ratified by Governors:** September 2016

**Date for Review:** September 2017

## **Introduction**

All schools have a duty to have a complaints procedure and to publicise it to parents and pupils.

This procedure for Delves Junior School is based on the Best Practice Advice for School Complaints Procedures (DfE, 2016) and has been approved by the Head teacher and Chair of Governors.

The following procedures should not be used for complaints that fall under existing statutory procedures and are therefore covered by other documentation:

- Curriculum
- Sex Education
- Admissions
- Exclusions
- Special Educational Needs and or Disability
- Staff Grievances
- Child Protection
- Whistle-blowing

## **Complaints Handling**

### **Publicity**

Parents can raise concerns by contacting their child's class teacher, year co-ordinator, a member of the Senior Leadership Team (SLT) or the Head teacher. This should be by letter, telephone, email or in person by appointment. In the case of serious concerns it may be appropriate to address them directly to the Head teacher (or Chair of Governors, if the complaint is about the Head teacher).

If you are uncertain who to contact, please seek advice from the school office (01922 721112 or [postbox@delves-j.walsall.sch.uk](mailto:postbox@delves-j.walsall.sch.uk)).

Complaint should be brought to the school as soon as possible. Any matter brought to the attention of the school more than 3 months after the event will not be considered (other than in very exceptional circumstances).

Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved at this informal stage. However, if the concern is not resolved informally parents may lodge a formal complaint. The procedure for lodging a formal complaint is contained within this policy. The policy is available for all parents via the school office and on the school website. A leaflet is available for new parents explaining this process in detail (Appendix B).

### **Procedures should be as speedy as possible - consistent and fair to all concerned**

Each stage of the procedure will have known time limits. Where it is not possible to meet these, the complainant will be kept informed of progress.

### **Support for complainant**

At any stage of the procedure parents can be accompanied by a friend, relative or representative and they will be told where they can go for information, advice and advocacy, if required.

## **Support for a person complained against**

Staff who may be questioned as part of the investigation of a complaint will be treated fairly and they will always have the opportunity to put their case. A friend or representative may accompany them at any stage.

The complaints procedure is distinct from formal disciplinary proceedings for staff and this will need to be made clear to all concerned. However there may be occasions where a complaint leads to a disciplinary procedure which puts the complaints process on hold. If so, the complainant should be informed of this, without going into details, and updated regularly on likely further delay. After the disciplinary process is completed it will be necessary to decide what further response to the complainant is required.

## **Confidentiality**

All concerns and complaints will be treated with discretion. It will be made clear to parents that making a complaint will not result in their child being penalised. Complainants will, however, be made aware that some information will have to be shared with those involved in order that the complaint can be investigated.

## **Anonymous Complaints**

Anonymous complaints should not be automatically disregarded. The Head teacher and Chair of Governors will decide whether the gravity of an anonymous complaint warrants an investigation. A copy of every anonymous complaint and a note of the decision should be kept on file.

## **Remedy**

If the outcome of the complaints procedure shows the school is at fault, redress will be in the form of an acknowledgement that the complaint is valid. It may be appropriate to offer one or more of the following:

- ❖ an apology;
- ❖ an explanation;
- ❖ an agreement that the event complained of will not recur;
- ❖ an undertaking to review school policies or practices in the light of the complaint.

Fear of litigation will not prevent the school from admitting to parents when mistakes have been made, but advice will be sought from the Local Authority (LA) if it is possible that the parent might take legal action.

## **Staff Awareness and Training**

All staff are aware of the procedures, as potentially many will be involved with handling complaints, especially at the informal level. Staff have clear information about which staff have which responsibilities so that parents do not get continually passed from one to another.

## **Record Keeping**

Complaints are recorded and monitored regularly by staff using a standard proforma (Appendix E). Records of these are kept in the class file. The Head teacher keeps a central file for complaints which are not resolved immediately and therefore investigated by him. This file is reviewed termly by the Chair of Governors.

Recording begins at the point when an initial concern or complaint cannot be resolved immediately but needs some investigation and/or consultation with others in school and a subsequent report back to the parent.

## **Extended Services**

Third parties, hiring the school on a regular basis, will be asked to ensure that they have an appropriate complaints procedure in place.

## **A Staged Approach**

The Governors at Delves Junior School have adopted a staged approach to the complaints procedure, as follows:

### **The First Contact**

There needs to be clarity as to the difference between a concern and a complaint. Taking informal concerns seriously at an early stage will reduce the number that develop into formal complaints. There are many occasions where concerns are resolved straight away through the class teacher, year co-ordinator, Head teacher or other pastoral staff, depending on who is approached first. Parents must feel able to raise concerns with members of staff without any formality, either in person, over the telephone or in writing. On occasion it may be appropriate for someone to act on behalf of a parent and this must be taken into consideration.

It may be unclear at first whether a parent is asking a question or expressing an opinion rather than making a complaint. A parent may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

### **Stage 1: Referral to the Head teacher**

At this stage it has become clear that the concern is a definite complaint and should be investigated according to school guidelines (see model procedures attached at Appendix A/B) to ensure consistency and to make sure that nothing happens which could make it difficult for later stages to proceed smoothly.

In some cases the Head teacher may already have been involved in looking at the matter; in other cases it may be his first involvement and it may be appropriate to delegate the investigation at this stage to another member of staff.

N.B. In some cases the Head teacher will have been already involved at Stage 1, or the complaint may be against them, in which case Stage 2 should be carried out by the Chair of Governors. In other cases, where the Head teacher has delegated the investigation at Stage 2 to another member of staff, he is advised to become involved if the parent is not satisfied, before the Stage 2 process is completed and the matter referred to the governing body.

### **Stage 2: Review by the Governing Body**

Complaints rarely reach this formal level, but it is important that governing bodies are prepared to deal with them when necessary. At this stage schools may wish to seek advice from the LA.

It is important that this review is not only independent and impartial but that it is seen to be so. Account will be taken, when convening the panel, of the fact that:

- ❖ Some Governors may have previous knowledge of the problem which led to the complaint and would be unable to give fair, unbiased consideration to the issue.

- ❖ If a complaint results in disciplinary action against a member of staff it will be necessary for there to be sufficient Governors with no prior involvement to form a staff dismissal committee and possibly a staff dismissal appeal committee.
- ❖ The panel hearing should not be adversarial but should aim to provide a nonthreatening environment in which resolution can be reached. In deciding the agenda, who should attend, the number of attendees, and in taking questions from attendees, the Chair should carefully take into consideration the need to avoid any attendee feeling intimidated by the proceedings. The Chair may wish to set time limits for presentations. In exceptional circumstances the Chair may decide that the panel should hear the complainant or a particular witness separately. For example if the complaint is about bullying, the Chair may decide to give the pupil the opportunity to put their case to the panel before others are admitted to the meeting to avoid a confrontational and distressing situation. In such cases the panel will need to ensure that allegations made are shared with the other parties so that they are able to respond.

The Panel will appoint a clerk to minute the meeting. The clerk will be required to:

- ❖ Set the date, time and venue of the hearing and ensure that the dates are convenient to all parties and that the venue and proceedings are accessible.
- ❖ Collate any written material and send it to the parties in advance of the hearing
- ❖ Meet and welcome the parties as they arrive at the hearing
- ❖ Record the proceedings

The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations that will satisfy the complainant that their complaint has at least been taken seriously.

Delves Junior School has an agreement with Delves Infant School that should the need arise a joint Governor panel may be used to hear complaints.

### **What if my complaint is about a Governor?**

You should still contact the Chair of Governors who will investigate your concerns. If the complaint is about the Chair of Governors you should contact the vice chair. The school will be able to tell you who that would be. If you have a complaint about the Governing Body as a whole, you should contact the LA for advice.

### **Stage 3: Review by the Secretary of State for Education**

Parents can complain to the Secretary of State for Education if they have exhausted the school's own procedure and feel at their complaint remains unresolved

### **Serial and Persistent Complainants (appendix )**

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is a poor use of schools' time and resources to reply to repeated letters, emails, and telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is closed.

If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or persistent and the school may choose not to respond.

## **Appendix A**

### **Delves Junior School Complaints Procedure 2016**

In order to investigate your complaint as fully as possible the Governing Body of Delves Junior School have implemented a staged approach.

#### **Resolving Concerns Informally**

Parents are always welcome to discuss any concerns with the appropriate member of staff, who will clarify with the parent the nature of the concern and reassure them that the school wants to hear about it. Parents should be advised from the outset that there is a complaints procedure that they can use if the matter cannot be resolved. The member of staff may explain to the parent how the situation happened. It can be helpful at this point to identify what sort of outcome the parent is looking for.

If the member of staff first contacted cannot immediately deal with the matter, s/he will make a clear note of the date, name and contact address or phone number.

All members of staff will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent. S/he will check later to make sure the referral has been dealt with.

If the matter is brought to the attention of the Head teacher s/he may decide to deal with the complaint. If the complaint is against the Head teacher the parent will be advised to contact the Chair of the Governing Body.

The member of staff dealing with the concern will make sure the parent is clear what action (if any) or monitoring of the situation has been agreed, putting it in writing if appropriate.

While it is often a helpful way to resolve problems more quickly, a parent or pupil is not required to pursue informal ways to address complaints but has the right to make a formal complaint at any time.

#### **Complaints Procedure Stage 1: investigation by the Head teacher**

Complaints at this stage need to be recorded in writing. A complainant may wish to write in themselves. Complainants may also make their complaint verbally and can expect help to put their complaint in writing.

The Head teacher (or designated person) will acknowledge the complaint in writing within three working days of receiving the written complaint. The acknowledgement will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This should normally be within ten working days. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date. This will be within a maximum of 20 working days unless it is a particularly complex issue.

The Head teacher will provide an opportunity for the complainant to meet them to supplement any information provided previously or to record the complaint in writing if it has been made verbally. It will be made clear to the complainant that if s/he wishes s/he might be accompanied to any meeting by a friend, relative, representative or advocate who can speak on his/her behalf or to provide support.

If necessary the Head teacher will interview other parties and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed unless this is judged not to

be in the interests of the pupil's welfare. Pupils should normally be interviewed with parents/guardians present, but if this would seriously delay the investigation of a serious/urgent complaint or if the pupil has specifically said that s/he would prefer that parents/guardians were not involved, another member of staff with whom the pupil feels comfortable should be present. If a member of staff is complained against, they must have the opportunity to present their case.

The Head teacher will keep written records of meetings, telephone conversations and other documentation.

Once all the relevant facts have been established as far as possible, the Head teacher will then produce a written response to the complainant, including a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. The complainant will be advised that should s/he wish to take the complaint further s/he should notify the Chair of Governors within 20 working days of receiving the letter.

If the complaint is against the Head teacher, or if the Head teacher has been closely involved in the issue, the Chair of the Governing Body will carry out all the Stage 1 procedures.

## **Stage 2: Review by the Governing Body**

The Chair of the Governing Body will write to the complainant to acknowledge receipt of the written request for the governing body to review the complaint. The acknowledgement will inform the complainant that three members of the school's governing body will hear the complaint within 20 working days of receiving the complaint. The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three members.

A meeting of the Governors' Complaints Panel will be convened.

No governors with prior involvement in the issues complained about will be included on the panel and it may be necessary to use reserves (previously agreed by the Governing Body) to ensure the Panel can meet within the set time.

Governors should bear in mind the advantages of having a parent governor on the panel, and will also be sensitive to issues of race and gender. The Head teacher will not sit on the Panel. An experienced governor will chair the panel meeting.

The Chair of the panel will ensure the Panel hears the complaint within twenty working days of receiving the letter. All relevant correspondence relating to the complaint will be given to each Panel member as soon as the composition of the panel is confirmed. If the correspondence is extensive, the Chair may prepare a thorough summary for sending to Panel members.

The Chair will write and inform the complainant, Head teacher, any relevant witnesses and members of the Panel at least five working days in advance of the date, time and place of the meeting. The notification will also inform the complainant of his/her right to be accompanied to the meeting by a friend/advocate/interpreter and explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.

The Head teacher will be invited to attend the Panel meeting and will be asked to prepare a written report for the Panel in response to the complaint. All attendees including the complainant should receive a set of the relevant documents including the Head teacher's report and the agenda, at least five working days prior to the meeting.

Submission of additional documents or requests for additional attendees will be at the discretion of the Chair of the panel.

At the panel hearing:

- ❖ The complainant will have the opportunity to present their complaint.
- ❖ The Head teacher will explain the school's position.
- ❖ Those present will have the opportunity to ask questions.
- ❖ Panel members will have the opportunity to ask questions of the complainant and the Head teacher.
- ❖ The Head teacher will be given the opportunity to make a final statement to the panel.
- ❖ The complainant will be given the opportunity to make a final statement to the panel.
- ❖ The chair will ask the complainant if he or she feels they have had a fair hearing.

The Chair of the Panel has responsibility to ensure that the meeting is properly minuted.

The Chair of the Panel will explain to the complainant and Head teacher that the Panel will consider its decision and that a written decision will be sent to both parties within 15 working days. The complainant, Head teacher, other members of staff and witnesses will then leave.

The Panel will then consider the complaint and all the evidence presented and

- ❖ Agree a decision on the complaint;
- ❖ Decide upon the appropriate action to be taken to resolve the complaint; and
- ❖ Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

A written statement clearly setting out the decision of the Panel must be sent to the complainant and Head teacher. The letter to the complainant should also advise how to take the complaint further.

The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

### **Stage 3 The Secretary of State**

If a complainant wishes to go beyond the governors' complaints panel, they should be advised to contact the Secretary of State for Education. More information is available at [www.education.gov.uk/schoolcomplaints](http://www.education.gov.uk/schoolcomplaints).

## **Appendix B**

### **How to Raise Concerns or Make a Complaint about the School**

#### **If you have a concern or complaint**

We would like you to tell us about it. We welcome suggestions for improving our work in school. Be assured that no matter what the problem is, our support and respect for you and your child in school will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem that happened some time ago. Any matter brought to the attention of the school more than 3 months after the event will not be considered (other than in very exceptional circumstances).

#### **What to do first**

Most concerns and complaints can be sorted out quickly by speaking with your child's class teacher and/or their year co-ordinator.

If you have a complaint that you feel should be looked at by the Head teacher in the first instance you can contact him/her straightaway if you prefer. It is usually best to discuss the problem face to face. You may need an appointment to do this, and can make one by ringing or calling into the school office. You can take a friend or relation to the appointment with you if you would like to.

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you. They will ask what you would like the school to do to put things right. Of course, this does not mean that in every case they will come round to your point of view but it will help both you and the school to understand both sides of the question. It may also help to prevent a similar problem arising again.

#### **What to do next**

If you are dissatisfied with the initial response, or if you do not want to discuss the matter informally, you can make a complaint to the Head teacher. This will need to be in writing. Contact the school office if you would like some help putting your complaint in writing.

If your complaint is about an action of the Head teacher personally, then you should refer it to the Chair of Governors now. Contact details can be obtained from the school office.

You will be offered a meeting to discuss the problem. You may bring a friend or someone else for support. The Head teacher will conduct a full investigation of the complaint and may interview any members of staff or pupils involved. You will receive a written response to your complaint.

#### **If you are still unhappy**

The problem will normally be solved at this stage. However, if you are still not satisfied you may wish to contact the Chair of the Governing Body to ask for a referral of your complaint to a Governors' Complaints Panel. It will then be heard by a group of three governors who have no previous knowledge of the problem and so will be given a fresh assessment. You will be invited to attend and speak to the panel at a meeting that the Head teacher will also attend. The Complaints Procedure sets out in more detail how these meetings operate.

#### **Further Action**

Complaints about school problems are almost always settled within schools but if they remain unresolved they can be referred to the Secretary of State for Education. The Department for Education will expect the complaint to have been considered by the school governors first. There is more detail on the full Complaints Procedure, on the Department for Education website ([www.education.gov.uk/schoolcomplaints](http://www.education.gov.uk/schoolcomplaints))

## Appendix C-Policy for Unreasonable Complainants

Delves 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.

Delves 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.

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 Head teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Head teacher or Chair of Governors will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact 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 Delves Junior School.

### **Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Head teacher or the LA can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Head teacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

## Appendix D- Formal Complaints Form

<b>Please complete and return to Head teacher who will acknowledge receipt and explain what action will be taken.</b>	
Your Name	
Pupil's Name	
Relationship to the Pupil	
Address (incl. post code)	
Daytime contact number	
Evening contact number	
Please give details of your complaint here (please continue on a separate sheet if necessary)	
What actions, if any have you 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?	
Are you attaching any paperwork?	
Signature	
Date	
<b>For office use only</b>	
Date acknowledgement sent:	By Whom:
Complaint referred to:	Date:

**Appendix E – Record Keeping Form**

**Notes from Parent Meeting (Telephone/Face to Face)**

**Name of Parent:**

**Name of Child:**

**Class:**

**Teacher:**

**Date:**

**Notes:**

**Actions:**

**Follow up:**

**Completed by:**

**Date:**

**Copies to:**

## Appendix F

### How to Listen to Complaints

When you realise that you are listening to a complaint, try to remember these points:

**Don't pass the buck** - *Try not to keep transferring an angry person from one place to another. Take the responsibility to ensure the right person deals with it if you cannot deal with it yourself.*

**Don't be flippant** - *First impressions count. You and the school may be judged on your immediate reaction.*

**Treat all complaints seriously** - *However small or trivial it may seem to you, the complaint will be an important problem for anyone who takes the trouble to complain. Access to the procedure is a right which should not be restricted by a judgement as to the seriousness of the issue.*

**Treat every complaint individually** - *Even if you have already received several similar complaints the same day, it is probably the person's first chance to have their say.*

**Be courteous and patient** - *Be sympathetic and helpful, but do not blame other colleagues.*

**Say who you are** - *If you are unknown to the other person, introduce yourself.*

**Ask for their name and use it** - *Anonymous complaints are acceptable only where there are special circumstances.*

**Take time to find out exactly what the problem is** - *It is easy for someone to forget to tell you an important detail, particularly if they are upset or annoyed. Asking what outcome the complainant seeks is a good way to find out what it is really all about and will help you to know if you can resolve it*

**Don't take the complaint personally** - *To an angry or upset person, YOU are the school, and the only one they can put their feelings to right now.*

**Stay cool and calm** - *Do not argue - be polite and try to find out exactly what the person thinks is going wrong, or has gone wrong.*

**Check you are being understood** - *Make sure that the person understands what you are saying. Don't use jargon – it can cause confusion and annoyance to someone 'not in the know'.*

**Don't rush** - *Take your time. Let people have their say, and let off steam if they need to. Listen carefully and sympathetically to their problems before replying and attempting to find a solution or offer a next step.*