



# **Plashet School**

## **Complaints Procedure**

**Revised and applicable from 2<sup>nd</sup> February 2017**

Signed: 

**Chair of Governors**

# Plashet School Complaints Procedure

## Introduction

Our aim is to provide a secure, welcoming and calm working environment for students and staff. We recognise that these aspirations can only be achieved by the wholehearted commitment and support of the whole school community. Occasionally, situations will occur which prevent the fulfilment of those aims and give cause for complaint.

In order to bring such occurrences to a speedy and satisfactory conclusion the school has adopted a Complaint Procedure, based on National and local advice.

It is important that complaints are raised at the earliest possible opportunity to enable the matter to be dealt with speedily and effectively. An early informal approach is often the best means of resolution of minor problems. The Department for Education expect complaints to be made at the earliest opportunity and consider within 3 months to be an acceptable timeframe to lodge a complaint.

## Purpose

To establish a procedure for dealing with complaints relating to the school and to any community facilities or services that the school provides, as required by section 29 (1) (a) of the Education Act 2002 i.e. to have a procedure in place to deal effectively with complaints. In establishing and publicising these arrangements, the Governing Body will have regard to guidance given by the Secretary of State.

## Scope

All matters relating to the actions of staff and application of school procedures where they affect the individual pupils concerned, except those defined in Section 409 of the 1996 Education Act, which allows an LEA to make arrangements for the consideration or disposal of any complaint about the unreasonable action of the LEA or of a Governing Body in relation to a statutory duty or power. This would include Admissions, the provision of an appropriate curriculum, SEN, and Exclusions Appeals. The LEA has a separate procedure for dealing with certain types of complaints, for example, complaints about the curriculum or collective worship in a school.

In addition, there are certain complaints that fall outside the remit of the Governing Bodies Complaints Procedure, for example, staff grievances or disciplinary procedures. The governing body will ensure that any third party providers offering community facilities or services through the school premises, or using school facilities have their own Complaints Procedure in place. This will be done by making it a condition of all lettings.

## Who can make a complaint?

Any person, including members of the public, may make a complainant about any provision of facilities or services that a school provides, unless statutory procedures apply (such as exclusions or admissions). School must not limit complaints to parents or carers of children that are registered at the school.

## **General Principles**

This Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible.
- be easily accessible and publicised.
- be simple to understand and use.
- be impartial.
- be non-adversarial.
- allow swift handling with established time-limits for action and keeping people informed of the progress.
- ensure a full and fair investigation by an independent person where necessary.
- respect people's desire for confidentiality.
- address all the points at issue and provide an effective response and appropriate redress, where necessary.
- provide information to the school's senior management team so that services can be improved.

## **The Stages of Complaints**

This school Complaints Procedure has well-defined stages. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved. Also, further investigations may be required by the Head Teacher after a meeting with the complainant.

### **Stage 1: Local resolution of the problem or the informal stage**

The complaint is dealt with by an appropriate staff member (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, form tutor, head of year 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, email, telephone conversation or in person by appointment. The complainant must allow the designated staff member at least 5 days to respond to the concern.

If this does not lead to a resolution of the problem, then the concern/complaint must be referred to the next stage of the process which is the commencement of the formal process.

## **Stage 2: Formal** (if unresolved at Stage 1)

The complaint is heard by the Head Teacher.

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 Head Teacher who will deal with it formally at Stage 2. Where the 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 other appropriate person.

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

The Head Teacher must acknowledge the complaint within 5 days by writing to the complainant. The acknowledgement should state a further communication will follow, within 20 school days that will set out the actions taken to investigate the complaint and the findings.

The Head Teacher can delegate another senior member of staff to carry out the investigation and report their findings to them. The Head Teacher will then reach a conclusion based on the investigation. All notes relating to the investigation should be kept on file. The investigating officer may feel it necessary to meet with the complainant. If this happens, then notes should be produced of the meeting.

The investigating officer will then compile a report detailing their findings. Any recommendations or actions proposed must be considered by the Head Teacher.

Once satisfied that the investigation has been concluded and a decision has been reached, the Head Teacher must notify the complainant in writing of the conclusion and any actions that will be taken as a result. The decision can be communicated by the Head Teacher to the complainant in writing or, if they may feel it appropriate, meet with them first to communicate their findings and then confirm in writing afterwards.

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 and the part upheld and identified only is upheld.
- There is insufficient evidence to reach a conclusion so the complaint is inconclusive;  
or
- The complaint is not substantiated by the evidence and therefore not upheld.

The complainant must also be informed if they are still dissatisfied with the outcome they can write to the Chair of Governors or other appropriate person outlining why they are still unhappy.

### **Stage 3: Formal** (if not resolved at stage 2)

The complaint is heard by the Chair of Governors.

If the complainant is dissatisfied with the response from the Head Teacher at Stage 2 they should be advised to put their 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. They may also attach any evidence to support their concerns that can be additional to that submitted at Stages 1 and 2.

The Chair of Governors must write to the complainant within 5 days of receipt of the complaint to acknowledge this. The letter should state that another letter will follow within 20 school days setting out the actions taken to investigate the complaint and the findings.

The Chair of Governors will look at all the information pertaining to the complaint submitted by the complainant and the investigatory evidence by the school at Stages 1 and 2. The Chair may want to talk with the complainant or investigating staff members to establish facts and obtain further information.

Once satisfied that the investigation has been concluded and a decision has been reached on the complaint, the Chair of Governors 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 also informed if they are still dissatisfied they can write to the Governing Body directly via the school or, Governor Services or School Management Support at Newham Partnership Working outlining why they feel the complaint is unresolved.

### **Stage 4: Formal** (if not resolved at Stage 3)

The complaint is heard by the Governing Body. This is the final stage of the process.

If the complainant is dissatisfied with the response from the Chair of Governors at Stage 3 they should be advised that the next stage is to put their complaint in writing to the School Governing Body at Stage 4.

The complainant must ensure that they include details in writing of why they are still dissatisfied with the decision of the Chair, recommendations and actions of the Stage 3 complaint and what they feel would resolve the matter. They can also attach any evidence to support their concerns in addition to that submitted at Stages 1, 2 and 3.

The complaint will be acknowledged within 10 school days.

The complaint is considered by a panel of Governors who form a complaints appeal panel. The panel must be independent and impartial. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. The panel must 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. Complaints should not be shared with the whole governing body, except in very general terms

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 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 head teacher has followed any relevant school policies; it is not to substitute its own operational judgement for that of the 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, 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.
- Decide 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 make a decision on the complaint as there is enough information to allow for 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 similar do not occur.

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

## **Further information**

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,  
The School Complaints Unit (SCU)  
2<sup>nd</sup> Floor, Piccadilly Gate  
Manchester, M1 2WD

The SCU will examine if the school complaints policy and any other relevant processes were followed. The SCU will also examine policies to determine if they adhere to education legislation. However, the SCU will not re-investigate the substance of the complaint and will not overturn a school's decision about a complaint only in exceptional circumstances where it is clear that a school has acted unreasonably or unlawfully.

## **Principles of investigation**

Principles of investigation to be followed in this procedure:

- to establish what has happened so far, and who has been involved.
- to clarify the nature of the complaint and what remains unresolved.
- to meet with the complainant or contact them (if unsure or further information is necessary).
- to clarify what the complainant feels would put things right.
- to interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- to conduct interviews with an open mind and be prepared to persist in the questioning.
- to keep notes of interview(s).

## **Recording Complaints**

A complaint may be made in person, by telephone, in writing or on the complaint form. At the end of a meeting or telephone call, the member of staff will try to ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record. The school will record the progress of the complaint and the final outcome.

## **Governing Body Review**

The Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Governing Body will not identify individuals. The Head Teacher will provide information on an annual basis to the governing body or relevant committee. This will indicate the number and types of recorded complaints, level at which considered and outcomes.

As well as addressing an individual's complaint, the process of listening to, and resolving complaints will contribute to school improvement. When individual complaints are heard, the school may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Governing Body is a useful tool in evaluating a school's performance.

There is a legal requirement for the Complaints Procedures to be publicised. The school has decided how to fulfil this requirement by putting details of the Complaints Procedures in:

- the School website
- home school bulletins or newsletters
- documents supplied to community users including letting agreements

## Resolving Complaints

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

An effective procedure helps identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

### If the Complaint has Foundation

At each stage in the procedure, the school and/or Governing Body will seek to resolve the complaint. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to give one or more of the following:

- an apology.
- an explanation of what actually happened, clarification of the facts.
- an admission that the situation could have been handled differently or more appropriately.
- an assurance that the event complained of will not recur.
- an explanation of the steps that have been taken to ensure that it will not happen again.
- an undertaking to review school policies in the light of the complaint.

4. However, it may be that there are **other outcomes** as follows:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of action the school may be taking to review procedures etc. but details of the investigation or of any disciplinary procedures will not be released.
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential (e.g. where staff disciplinary procedures are being followed).

### Dealing with unreasonable, serial or persistent complaints

Plasht 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.

Plasht 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; and/or
- 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; and/or
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Whenever possible, the Head Teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking against the complaint.

If the behaviour continues the Head Teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Plashet 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 six 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 barring an individual from Plashet School.

### **Complainants who behave in an unacceptable way**

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 complainant'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 local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the complainant may wish to make. Schools should always give the complainant 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 complainant, and either confirmed or lifted. If the decision is confirmed the complainant 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.

### **Complaint raised after more than 3 months**

To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. Any matter raised more than 3 months after the event being complained of will not be considered, save in exceptional circumstances.

## Appendix A

### Plashet School Complaint Form

Please complete and return to Mr Heys, School Business Manager, who will acknowledge receipt and explain what action will be taken.

|   |
|---|
| Your name:  |
| Student's name (if relevant):   |
| Your relationship to the student (if relevant):   |
| Address:<br><br>Postcode:<br><br>Daytime telephone number:<br><br>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: