

Complaints Procedure for St Ives Junior School



Purpose: To establish a procedure for dealing with complaints relating to the school, as required by section 29 (1a) of the Education Act 2002.

Scope: All matters relating to the actions of the staff and application of school procedures, where they affect the individual pupils concerned, except matters which are subject to separate procedures, for example, those relating to curriculum or admissions.

General Principles:

- An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances or if the complaint relates to a safeguarding concern
- To allow for a proper investigation, complaints 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.
- Investigation of any complaint or review request will begin within 5 days of receipt, except in exceptional circumstances. The investigation will be completed as soon as reasonably practicable.

Part A Complaints about the actions of a member of staff other than the Head Teacher.

1) Informal Stage

It is usual that the complainant will arrange to communicate directly with the member of staff concerned. This may be by letter, telephone, or in person by making an appointment. Many concerns can be resolved at this stage, through clarification or the provision of information and it is anticipated that the vast majority of cases will be resolved at this stage. In the case of more serious concerns, the Headteacher may be involved immediately. If reasonable requests to find an informal resolution are declined, the process may be terminated immediately. Any dispute in relation to the 'reasonableness' can be established via the review process.

2) Formal Stage

If the initial complaint is not resolved at the informal stage, the complainant must put the complaint in writing and pass this to the Headteacher who will be responsible for carrying out the investigation. The complaint should include details which may assist the investigation, such as names of potential witnesses, dates and times of events and copies of any relevant documents (e.g. previous correspondence). The Headteacher will collect other evidence if necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, they may choose to bring a representative or friend to the meeting.

The investigation will begin as soon as possible and when it has been concluded, the complainant and the member of staff concerned will be informed in writing of the outcome.

This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld

- The concern is not substantiated by evidence
- The concern was partly or fully substantiated. Some details may then be given of action the school may be taking to review procedures etc, but details of the investigation or disciplinary procedures will not be released
- The matter has been fully investigated and the appropriate procedures are being followed, which are strictly confidential.

The complainant will be informed that consideration of their complaint is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, they may request that the Governing Body review the process undertaken by the Headteacher in handling the complaint. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Headteacher, and include a specific statement detailing perceived failures to follow the procedure. The Procedure described in Part C will be followed.

If the complainant considers that the decision of the Head Teacher is incorrect, or that the Headteacher has acted unreasonably, then the complainant may bring a complaint against the Head Teacher, under Part B of this procedure. This will provide an opportunity for the evidence to support such a complaint to be investigated.

Part B – Complaining about the actions of the Head Teacher

1) Informal Stage

The complainant is usually expected to arrange to speak directly with the Head Teacher, where they outline the detail of the complaint. Many concerns can be resolved through an initial meeting, where the issues are discussed and clarified. If the matter is not resolved at this initial meeting, if both parties agree, a further meeting could take place with a third party acting as mediator if necessary. An unreasonable refusal to work through the process and attempt an informal resolution may result in the procedure being terminated at this point.

2) Formal Stage

If the complaint cannot be resolved through the informal stage, the complainant must put the complaint in writing and pass it to the Chair of Governors, who will determine which of the arranged procedures to invoke. If it is determined that the complaint is 'General', the chair will arrange for its investigation.

The complainant should include detail which will help the investigation. In addition, the complainant may be invited to meet with the chair to present oral evidence or to clarify the complaint. The Chair will collect other evidence as is deemed necessary. This may well include the interviewing of witnesses and others who may provide relevant information.

The Headteacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair. Once the Headteacher has had time to consider this, they will be invited to meet with the Chair of Governors in order to respond. A friend or representative may accompany the Headteacher at this meeting.

When the investigation has been concluded, the complainant and the Headteacher will be informed in writing of the outcome. The complainant will not be informed of any disciplinary/capability action.

The complainant will be told that consideration of their complaint is now complete. If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair is incorrect, or that the Chair has behaved unreasonably in considering the complaint, the complainant may request that the Governing Body review the handling of the complaint by the Chair.

Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Chair, and include a statement specifying any perceived failures.

Part C – Review Process

A panel of 3 members of the Governing Body shall conduct any review of the process that has been followed by the Headteacher and/or Chair.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should also be considered. The panel will first receive written evidence from the complainant.

The panel will then invite the Headteacher or the Chair, as appropriate, to make a response to the complaint. The panel may also request access to records kept of the processes followed. The complainant, and the Headteacher (or Chair) will be informed in writing of the outcome.

This may be to the effect that:

- 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 full, but that the procedural failure did not affect the outcome significantly and the matter is closed
- The concern was substantiated in part or in full and the Governing Body will take steps to prevent a recurrence or to rectify the situation where practicable

NOTES

The complainant is not entitled to access any details of the investigation except for statements that may have been provided by their child. Any information relating to application of internal processes, such as disciplinary matters, is strictly confidential. If a complainant feels that the Governing Body has acted illegally or arbitrarily in handling the complaint, then the complainant should make representations to the Secretary of State for Education.

Investigation Procedures

Carrying out an Investigation into a Formal Complaint

The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant but also for the member of staff against whom the complaint has been made.

Any procedure should include provision that 'anonymous complaints will not be investigated'.

There are serious allegations that should be investigated if reported anonymously, such as child protection or bullying allegations, where school would either involve appropriate external agencies or else conduct its own internal review to test whether or not there is any corroborative evidence which may trigger an informal investigation.

Where the Headteacher or Chair of Governors receives a complaint, it should be acknowledged formally and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant in due course.

The member of staff against whom the complaint has been made should be notified that a complaint has been received, provided with a copy of the complaint and be informed that an investigation will be carried out.

It is essential that there is a clear understanding of the complaint. Where necessary, the nature of the complaint should be confirmed with the complainant.

Once the complaint has been confirmed, the investigator should establish who they wish to interview and which documentation (if any) they will need to review. Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded. The complainant and member of staff should be given the opportunity to offer documentation and to identify potential witnesses and other sources of evidence.

The member of staff subject to the complaint should be advised that a friend or Trade Union representative may accompany them at interviews. Where children are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances would younger pupils be interviewed.

Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons.

In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interviews. The investigator should allow the interviewee to answer in their own way. Responses should be listened to attentively. The temptation to cut answers short or ask 'leading' questions must be avoided. Any attempts by the interviewee to introduce information relating to other members of staff or to unrelated issues must be resisted. The investigator should avoid reaching conclusions or passing judgment until the investigation has been completed. A summary of the process undertaken and the outcome should be provided to both the complainant and the member of staff against whom the complaint has been made.

Caution **MUST** be exercised when reporting back to the complainant as certain details must not be revealed due to confidentiality.

Any recommendations should also be shared with all parties, unless there is good reason not to do so. Wherever possible, recommendations should be constructive and not punitive.

The complainant should be advised that he/she may request a review of the process if they are not happy that the process has been undertaken properly.

The Governing Body should invite the LA to express a view on the retention of records of any complaints procedure. The most extreme stance is: 'All documentation regarding a complaint should be stored securely for a period of 6 years'

Unreasonable Complainants

St Ives 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.

St Ives 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 or 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 St Ives Junior 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 St Ives Junior School.

Policy updated September 2018

St Ives Junior Complaint form:

Please complete and return to Ruth Davey (Headteacher) or Jo Harvey, (Chair of governors) who will acknowledge receipt and explain what action will be taken.



Your Name:
Pupil's name (if relevant)
Your relationship to the pupil (if relevant)
Address:
Postcode:
Day time telephone number:
Evening telephone number:
Please give detail 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 at this stage?
Are you attaching any paperwork? If so, please give details.
Signature:
Date:
Official use:
Date acknowledgement set:
By who:
Complaint referred to:
Date:

