

# Coleham Primary School



## Concerns and Complaints Procedure

Date of policy: Summer 2019

Date of review: Summer 2022

# Coleham Primary School

## Concerns & Complaints Procedure

### Introduction

At Coleham Primary School, the most important thing to us are the people that make up our school community, our staff, pupils and parents and carers. We want to have strong relationships with individuals fostered by open and honest communications. Our School Leadership prides itself on its integrity. We aim to always be fair, transparent and open in our decision making and discussions. We have the highest regard for our responsibilities, following school policy and procedures and compliance with legislation. We will always encourage parents and carers to come directly to us should they have any questions or concerns relating to their child's education, an incident which has occurred in school or any other relevant matters. We aim to resolve concerns promptly and efficiently so that both parties are able to move forward positively, limiting the need for formal complaints. We welcome your feedback so we can resolve issues as quickly as possible, learn from mistakes and conscientiously make improvements where necessary.

### Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

### The difference between a concern and a complaint

|                       |  |
|-----------------------|--|
| A Concern<br>Informal | <p>may be defined as '<i>an expression of worry or doubt over an issue considered to be important for which reassurances are sought</i>'.</p> <p><b>Concerns can be raised and resolved informally.</b></p>  |
| A Complaint<br>Formal | <p>may be defined as '<i>an expression of dissatisfaction however made, about actions taken or a lack of action</i>'.</p> <p>The formal complaints procedure will need to be used when initial attempts to resolve the concern are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.</p> <p><b>Complaints should be raised and resolved using the formal complaints procedure.</b></p> |

It is in everyone's best interests that concerns are resolved at the earliest possible stage. Many issues can be resolved with a conversation, without the need to use the formal stages of the complaints procedure. Coleham Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

Please see Appendix 3 for a SUMMARY OF OUR CONCERNS & COMPLAINTS PROCEDURE WITH TIME FRAMES

# **INFORMAL STAGE**

## **COMMUNICATIONS FOR CONCERNS**

### **Contacting school should you wish to raise a concern**

We have an open door policy here at school and we encourage you all to come in and talk to us if you have worries or concerns or if you just want to give us some feedback to help us move forward.

Given the size of our school, it is very important that we have procedures in place relating to communication between parents and school staff.

### **Concern -Stage 1**

#### **Communicate concern to Class teacher or member of staff**

If you have a concern about your child or you would like to discuss anything to do with your child, please contact your child's class teacher first. The best time to have a chat is after school, as all class teachers are out on the playground dismissing the children. Alternatively, please contact the school office to arrange a time to speak with them.

If your concern relates to a specific school matter, you may contact the following people:

The SENDCO, is available should you have any concerns about your child's Special Educational Needs and Disabilities. Please contact her via the school office.

The Administration Manager, is available should you have any concerns in relation to Reception Office procedures, Free School Meals, Attendance, Payments, Trips, Clubs and Music Tuition. Please contact her via the school office or email her directly at [admin@colehamprimary.co.uk](mailto:admin@colehamprimary.co.uk).

The School Business Manager, is available should you have any concerns in relation to Health & Safety, Premises, E-Safety, Security, Medicines and health, Clubs, Catering, School Policies and Procedures and Data Protection. Please contact her via the school office or email her directly at [businessmanager@colehamprimary.co.uk](mailto:businessmanager@colehamprimary.co.uk)

The school Health Co-ordinator, is available should you have any concerns with regard to the management of your child's medical conditions, asthma, allergies and first aid. Please contact her by making an appointment at the school office or by emailing her directly.

Our Pastoral Care Team Leader is a Designated Safeguarding Lead in school, so if you have a Safeguarding concern please speak with them immediately.

### **Concern- Stage 2**

#### **Communicate concern to Phase Leader**

Each teacher has a phase leader, a member of staff who forms part of our Senior Leadership Team. You may contact the relevant phase leader if you believe that your concern is serious and cannot be dealt with by the class teacher or you are dissatisfied with the outcome at Stage 1 and wish to take the matter further. Please contact phase leaders by making an appointment at the school office. A list of the phase leaders is given below for your information.

## Phase Leaders

- EYFS Leader-Miss Harris
- Year 1/2 Leader-Mrs Young
- Year 3/4 Leader-Mr Lowrie-Herz
- Year 5/6 Leader-Mr Edwards

All of our up to date staff contact details are available on our school website.

## **Concern-Stage 3**

### **Communicate concern to Headteacher or Deputy Headteacher**

If your concern is still not resolved, you should refer this to the Headteacher or Deputy Headteacher.

## **Concern-Notes**

Administration staff will ask you the nature of your concern, if you are ringing to make an appointment with a member of staff. It really helps us to know in advance of meetings what the matter is about, so that we can do some fact finding and fully prepare before we speak with you.

We will acknowledge receipt of your concern, if this is in writing and will aim to respond as soon as we are able to. Please be patient with us as Safeguarding, Health & Safety and other serious issues will remain our immediate priority.

We ask that individuals are considerate with regard to the nature of concerns. Small issues can often be resolved very quickly, with a face to face conversation without the need for lengthy correspondence. The Headteacher, Deputy Headteacher and Pastoral Leader are usually available outside school each morning to chat with parents. For non-urgent feedback, there is also an opportunity to inform us on our annual parent survey. We stress that you are mindful over reporting minor matters because concerns can take up valuable leadership time that would otherwise be spent on improving the school and engaging with the children.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, *school* will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, school will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

It is hoped that the concern will stop at this informal stage, if the concern has been explained satisfactorily, or a shared understanding has been reached of the issue being raised and actions, where appropriate, agreed.

We understand that there are occasions when concerns may escalate into a complaint and individuals should raise this using the stages in the formal complaints procedure below.

# **FORMAL STAGE**

## **COMPLAINTS PROCEDURE**

### **How to raise a complaint**

A complaint should be made in writing. The complainant should make it clear they are invoking the Formal Complaints Procedure. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from being able to consider complaints at the next stages of the procedure. It could also compromise the impartiality of any committee set up for a disciplinary hearing against a member of staff following a serious complaint.

Complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Headteacher should be addressed to the Chair of Governors, via the school office or the Clerk for the Governors. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure.

### **Anonymous complaints**

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether there is any corroborative evidence that warrants an investigation.

### **Time scales**

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this period if exceptional circumstances apply.

### **Complaints received on a non-school day (during school holidays or weekends)**

Where complaints are received at a weekend or school holiday, we will consider complaints to have been received on the first school day after the holiday period or weekend.

### **Scope of this Complaints Procedure**

This procedure covers all complaints about any provision of services by Coleham Primary School, other than complaints that are dealt with under other statutory procedures, including those listed below.

| Exceptions  | Who to contact   |
|---|--|
| <ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> </ul> | <p>Concerns about admissions and statutory assessments of Special Educational Needs should be raised with relevant Shropshire Council departments.</p>   |
| <ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>                          | <p>Child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. Any concerns regarding the wellbeing of children should be passed to our Pastoral Care Team who are both Designated Safeguarding Leads.</p> <p>If you have concerns over how the school has managed a safeguarding issue then please follow the school's complaints procedure to allow a full investigation to take place.</p>  |
| <ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> <li>• Behaviour Incidents</li> </ul>                   | <p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p>Behaviour matters are handled under our Behaviour and Anti-Bullying policy and in accordance with relevant statutory guidance. Complaints about the application of the behaviour or Anti-Bullying policy can be made through the school's complaints procedure.</p>  |
| <ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>  | <p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the Department for Education (see link above), depending on the substance of your complaint.</p> |
| <ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>  | <p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>  |
| <ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>   | <p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed by HR policy and procedures.</p>   |

- National Curriculum - content

Please contact the Department for Education at:

[www.education.gov.uk/contactus](http://www.education.gov.uk/contactus)

Please do not seek to make a complaint to another authority until you have completed the school's complaints procedure fully. The school's complaints procedure exists to allow a full and thorough investigation to take place and to provide the complainant with all of the available facts and findings and explanations for decisions taken. It can also clarify the school policies, procedures and legislation followed and any misunderstandings that may exist between the complainant and the school.

Complaining to another authority before the complaints procedure is complete can lead to unfounded allegations being reported which can compromise the school's reputation and delay resolution for the complainant.

Please refer to 'Next Steps' at the end of this document.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

### **Confidentiality**

Any concerns raised will be treated with a high degree of confidentiality and we ask the complainant does likewise.

Behaviour issues in school are dealt with confidentially by the relevant staff. Parents should be aware that to protect the interests of children and families, we are unable to comment on the details surrounding other children and their behaviour sanctions.

### **Social Media**

We request that parents refrain from opening up debates and relaying information regarding school incidents and naming other children and families on social media. As a school, we will respond to any questions or concerns you may have and fully investigate any issues on your behalf. It becomes very difficult to investigate concerns and ascertain the facts, if information has been shared with other parents and, sometimes, other children before we have had a chance to talk with them. We ask individuals to respect social media boundaries and support our E-safety policy and Home School Agreement, to protect the school's good reputation and to allow the school time to gather information fairly and have a complete picture in order to do the best for all of our children in school.

### **Resolving complaints**

At each stage in the concerns and complaints procedure, Coleham Primary School wants to resolve the concern or complaint. The school will use all reasonable options to find a solution-in some cases this may include seeking advice from professional organisations, our legal advisers, the Local authority or the Education Funding Agency. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation of the facts and external advice sought

- an admission that the situation could have been handled differently or better (An admission that the school could have handled the situation better is not the same as an admission of negligence)
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

### **Withdrawal of a Complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

### **Complaint-Stage 1**

#### **Complaint heard by Headteacher**

Formal complaints should be made in writing to the Headteacher (unless they are about the Headteacher) via the school office. This should be via letter or email, preferably using the complaint form. The complainant should make it clear that they are invoking the Formal Complaints Procedure Stage 1.

You may have already spoken with the Headteacher about your concern but a formal complaint will allow further clarity and the facts and explanation to be communicated via a formal written record.

School will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within **3** school days. (Please note that where complaints are received at a weekend or school holiday, we will consider complaints to have been received on the first school day after the holiday period or weekend)

The Headteacher may follow up this acknowledgment by seeking to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a written communication and/or face-to-face meeting is the most appropriate way of doing this.

*Note: The Headteacher may delegate the investigation to an Investigating Officer (another member of the school or trust's senior leadership team) but not the decision to be taken.*

During the investigation, the Headteacher (or investigator) may:

- establish what has happened so far and who has been involved;
- clarify any misunderstandings that might have occurred;
- clarify the nature of the complaint and what remains unresolved;
- clarify what the complainant feels would put things right;
- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- keep a written record of any meetings/interviews in relation to their investigation;
- seek any relevant external professional advice.

At the conclusion of their investigation, the Headteacher will provide a formal written response within **20** school days of the date of receipt of the complaint.



If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The Headteacher may choose to invite the complainant to a meeting to further resolve the matter.

The written response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Headteacher, or a member of the Governing Body (including the Chair or Vice-Chair), a suitably skilled officer will be appointed to complete all the actions at Stage 1.

Complaints about the Headteacher or member of the governing body must be made to the Clerk of the Governing Body, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Governing Body or
- the majority of the Governing Body

Stage 1 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

## **Complaint-Stage 2**

### **Complaint heard by Chair of the governing Body**

If the complainant is not satisfied with the manner in which the process was followed at stage 1 or it is felt that the reasons given for the decision were incorrect and wishes to take the matter further, they can escalate the complaint to Stage 2-by reporting the complaint to the Chair of the Governing Body. This should be in writing via letter or email, preferably using the complaint form, to the school office or the clerk of the Governing Body. This should include a statement specifying any perceived failures to follow the procedure at stage 1.

The Chair or Clerk will record the date the complaint is received and send an acknowledgement of the receipt of the complaint in writing (either by letter or email) within **3** school days. (Please note that where complaints are received at a weekend or school holiday, we will consider complaints to have been received on the first school day after the holiday period or weekend).

The Chair of the Governing Body will arrange to meet with the Headteacher or Investigating Officer to review the complaint and related matter. During the review, the Chair of the Governing Body may:

- where appropriate, review the evidence from associated documents, meeting notes and external advice sought, speak with staff involved and ask questions.
- keep a written record of any findings in relation to their investigation.
- Seek any relevant external professional advice

- The Chair will seek to confirm that the correct protocol has been followed in line with legislation, school policy and procedures and that leadership decisions and judgements made, were sound with a clear rationale.
- The Chair will give an opinion on if the complaint or related matter could have been handled better and note any actions to address or for future improvement.

At the conclusion of their review, they will provide a formal written response within **20** school days of the date of receipt of the complaint. (Please note that where complaints are received at a weekend or school holiday, we will consider complaints to have been received on the first school day after the holiday period or weekend).

If the Chair is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to review the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

The Chair will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about a member of the Governing Body (including the Chair or Vice-Chair), a suitably skilled officer will be appointed to complete all the actions at Stage 2.

The Chair of the Governing Body can consider whether a written communication and/or face-to-face meeting is the most appropriate way of resolving the complaint.

### **Complaint-Stage 3**

#### **Complaint heard by Complaints Committee**

If the complainant is not satisfied with the manner in which the process was followed at stage 2 or it is felt that the reasons given for the decision were incorrect and wishes to take the matter further, they can escalate the complaint to Stage 3 – a meeting with the Complaints Committee. This is the final stage of the complaints procedure.

A request to escalate to stage 3 must be made in writing to the Clerk of the Governing Body, by direct email or letter via the school office, within 10 school days of receipt of the stage 2 response.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

This should include a statement specifying any perceived failures to follow the procedure at Stage 2

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within **3** school days.

The Clerk will write to the complainant to advise them of the date of the meeting. The complainant may wish to attend the meeting but does not have to.

The complainant (who may be accompanied by a friend if they wish) and Headteacher from the school (who may also be accompanied by workplace colleagues or representatives from their professional associations) may be invited to attend this meeting in order to clarify the matter. As the panel meeting is intended to be investigatory, rather than adversarial, the persons giving evidence or making representations to the panel

will normally attend separately. Alternatively the panel will meet and review any written representations from either party and complaint correspondence, evidence and documents.

The Complaints Committee will aim to convene a meeting within **20** school days of the acknowledgment of the Stage 3 request to consider the matter. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

The Complaints Committee will consist of at least two impartial governors with no prior involvement or knowledge of the complaint and one panel member who is independent of the management and running of the school. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than two impartial governors from Coleham Primary School available, the Clerk will source any additional, independent governors through another school within the trust, in order to make up the committee.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 3 will be heard by a committee of independent governors.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

At least **5** school days before the meeting, the Clerk will:

- advise all parties of the date of the meeting.
- send copies of any written material to be circulated to the committee.
- Ask for any written representations from both parties

The committee will not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The aim of the meeting will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the committee does not find in their favour. It may only be possible to establish the facts and

make recommendations, which will satisfy the complainant that his or her complaint has been taken seriously.

When the panel has collected sufficient information, it will deliberate and come to a decision. The Chair of the Committee will inform the complainant and the Headteacher of the outcome, with a full explanation of their decision and the reason(s) for it, in writing, within **7** days.

The response will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of the complaints committee.

Consideration of the complaint by the governing body and the school, save for any actions that are agreed, will terminate at this point.

### **Next Steps**

The responsibility for dealing with general complaints lies solely with the school and the decision of the complaints Committee is final but if the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they have the right to register the complaint to the Education & Skills Funding Agency, or Ofsted, or the Local Authority.

These authorities will expect the complainant to have completed the school's formal complaints procedure.

These authorities will not normally reinvestigate the substance of complaints or overturn any decisions made by Coleham Primary School. They will consider whether Coleham Primary School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the ESFA Department for Education and Ofsted using their online enquiry forms at [www.gov.uk](http://www.gov.uk)

Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD.

SHROPSHIRE LOCAL AUTHORITY (Children's Services)  
Shirehall  
Shrewsbury  
SY2 6ND

## **Dealing with Persistent or Vexatious Complaints and Abuse/harassment**

In all matters relating to the school, as per the home-school agreement and the expectations we have of our community, parents are expected to conduct themselves with the same high standards the governing body expects of its staff and pupils.

The school will therefore not tolerate any form of physical or verbal aggression against members of the school community, in any form, whether by telephone, letter, e mail or in face-to-face conversation. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept any form of threatening or harassing behaviour towards any members of staff, pupils, governors or other parents. This is because the school values good relationships and wishes them to be built in civil and reasonable manner.

### **Parents/Carers Expectations of the School**

Parents/Carers/members of the community who raise concerns and complaints can expect the school to:

- communicate the existence of this policy to parents/carers
- respond within a reasonable time;
- be available for consultation within reasonable time limits bearing in mind the needs of the students 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 Complaints Policy;
- keep complainants informed of progress towards the resolution of the issues raised.

### **The School's Expectations of Parents/Carers/Members of the Community**

The school expects parents/carers/members of the community who wish to raise problems with the school to:

- treat all school staff, parents and pupils with courtesy and respect;
- when reacting to certain matters, be mindful of approaching Reception staff calmly
  
- avoid any use, or threatened use, of violence to people or property;
- avoid any aggression or verbal abuse;
- avoid any litigious threats;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond;
- follow the school's Complaints Procedure;
- attend appointments to discuss the complaint when requested;
- respect that the school has to consider the needs of every child and family in school;
- respect confidentiality of pupils and families that may be involved and not make complaints in public or via social networking sites or groups.
- respect the investigation process and do not compromise this, by discussing the matter with other members of the school community allowing rumours to circulate and the matter to escalate.

**Definitions** (If any of the below are judged to have been the case, see Paragraph 2.4)

**Vexatious means:-**

where the parent raises their voice, uses threatening (or equally inappropriate) language, or is aggressive. This is not restricted to face-to-face conversation; the scope refers to e mails, letters, phone calls, or through third party contact eg social media vexatious.

**Persistent means :-**

- actions which are prolific or repetitious;
- repeatedly pursuing a complaint where the outcome is not satisfactory to the complainant but has been investigated thoroughly – refer to Complaints policy
- an insistence upon pursuing complaints in an unreasonable manner;
- only dealing with a specific member of staff on all occasions irrespective of the issue and the level of delegation in school to deal with such matters;

**Harassment means actions which:**

- appear to be targeted over a significant period of time on one or more members of school staff and/or
- cause ongoing distress to the individual member of school staff and/or
- have a significant adverse effect on the whole/parts of the school community including individuals;
- are pursued in a manner which can be perceived as intimidation and oppressive by the recipient.

**The School's Action in the Case of Persistent or Vexatious Complaints or Harassment:**

If a member of the school community feels that a parent/carer has not observed the expectations above, they will report this, in writing, to The Headteacher. The SLT will discuss this further and consider action or referral to the Chair of Governors. If, through discussion between the SLT and Chair of Governors (or another governor if the Chair is unavailable) the conduct of the complainant is judged to be vexatious, persistent or harassing behaviour, then action will be taken to restrict the parent's access to staff or the school site.

This could take the form of

- a) Being refused access to the school building and site
- b) Being refused access to contact the school by telephone or email
- c) Being refused access to parents' meetings or to meet a member of staff/members of staff
- d) Being refused a phone conversation unless in extreme, emergency situations.
- e) Being recorded to ensure a contemporary record is made of phone conversations
- f) Only being permitted to speak to staff in the company of a senior member of staff

It could be that the parent(s) is(are) not only removed from the site by the police, but also prosecuted under Anti-Harassment legislation.

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to vexatious behaviour. The school nevertheless also reserves the right not to respond to communications from individuals if it is agreed that the complainant's behaviour is inappropriate.

## Appendix 1 Formal Complaint Form

Please complete and return to school who will acknowledge receipt and explain what action will be taken.

|   |
|---|
| <b>Formal Complaint Stage 1/Stage 2/Stage 3 (delete as appropriate)</b>   |
| <b>Your name:</b>   |
| <b>Pupil's name (if relevant):</b>  |
| <b>Your relationship to the pupil (if relevant):</b>  |
| <b>Address:</b><br><br><b>Day time telephone number:</b><br><b>Evening telephone number:</b><br><b>Email address:</b> |
| <b>Pease give details of your complaint, including whether you have spoken to anybody at the school about it.</b>     |
| <b>If you have completed a previous stage of the Complaints Procedure, what failings do you believe took place?</b>   |

**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 received:**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**



## **Appendix 2 Roles and Responsibilities**

### **Complainant**

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### **Investigator**

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

### **Complaints Co-ordinator (this could be the headteacher or other staff member providing administrative support)**

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure

- liaise with staff members, headteacher, Chair of Governors, Clerk to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

### **Clerk to the Governing Body**

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

It is important that the clerk does not influence in any way the decision taken by the committee and must be seen to be impartial at all times.

### **Complaints Committee Chair**

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- Introductions are made
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- the remit of the committee is explained to those present
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).
- the complaint, as originally registered, is the focus of attention.

### **Complaints Committee Member**

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the welfare of the pupil is paramount.

**Appendix 3**

**COLEHAM PRIMARY SCHOOL**

**SUMMARY OF CONCERNS & COMPLAINTS PROCEDURE**

**CONCERNS**

| <b>Stage</b> | <b>Complainant Action</b>                                | <b>School Response</b>                        | <b>Timeframe</b> |
|--------------|--|---|------------------|
| 1            | Communicate concern to Class teacher/staff               | Class teacher to resolve.                     | NA               |
| 2            | Communicate concern to Phase Leader                      | Phase Leader to resolve.                      | NA               |
| 3            | Communicate concern to Headteacher or Deputy Headteacher | Headteacher or Deputy Headteacher to resolve. | NA               |

**COMPLAINTS**

|   |  |  |   |
|---|--|--|---|
| 1 | Complaint made in writing to the Headteacher via the school office. This should be via letter or direct email, preferably using the complaint form.  | School to send acknowledgment of receipt.  | Within 3 school days.   |
|   |  | Headteacher to investigate fully and send written response of outcome.   | Within 20 school days from the complaint date of receipt.                 |
| 2 | Complaint made in writing to the Chair of Governors. This should be in writing via letter or email, preferably using the complaint form, to the school office or the clerk of the Governing Body.                | Chair or Clerk to acknowledgment of receipt.   | Within 3 school days.   |
|   |  | Chair of Governors to investigate fully and send written response of outcome.  | Within 20 school days from the complaint date of receipt.                 |
| 3 | Complaint made to Complaints Committee. This should be in writing to the Clerk of the Governing Body, by direct email or letter via the school office, within 10 school days of receipt of the stage 2 response. | Chair of Governors or Clerk to acknowledgment of receipt.  | Within 3 school days  |
|   |  | The Complaints Committee will aim to convene a meeting.  | Within 20 school days of the date of the acknowledgement of the complaint |
|   |  | Clerk to advise of meeting date and distribute any papers.   | 5 days before meeting date.   |
|   |  | Chair of the Committee to inform the Complainant and Headteacher of the outcome, with a full explanation of the decision and the reason(s) for it. | Within 7 days of the Complaints Committee meeting.                        |