

Mount Pleasant Primary School

COMPLAINTS PROCEDURE

Approved by the Governing Body: January 2018

Review Date: January 2019

The following procedure is based on best practice and is in line with:

- Best Practice Advice for Schools Complaints Procedures 2016 – Department for Education
- General Complaints Procedure for Maintained Schools (Dudley LA)

The procedure offers advice to:

- Parents and Carers (adults with parental responsibility) of pupils registered at Mount Pleasant Primary School.
- Members of the school community, including those who use services and/or facilities provided by Mount Pleasant Primary School.
- Members of the wider community.

Complaints can be heard by the following:

Members of the Senior Leadership Team – Mrs S Derbyshire (Deputy Head, Head of Maths and KS2), Mrs C Grinsell (Assistant Head, Head of English and KS1), Mrs C Woodhall (SEND/CO),

Headteacher - Mrs H Robinson

Chair of the Governing Body – Mr S Jarvis

Governors' Complaints Panel

The person investigating the complaint will;

- Establish what has happened so far and who has been involved.
- Clarify the nature of the complaint and what remains unresolved.
- Meet with the complainant or contact them.
- Interview those involved in the matter, allowing them to be accompanied if they wish.
- Conduct the interview with an open mind and be prepared to persist in the questioning.
- Keep notes of any discussion and meeting throughout the complaint.
- Keep the complainant updated and well informed of the progress of the complaint.

See Appendix 1 – Roles and Responsibilities

It should be noted that the school does not allow the recording of any meetings during this process by any party who attends.

The difference between a concern and a complaint

A concern may be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’. A complaint may be defined as ‘an expression of dissatisfaction, made either in writing or verbally, about actions taken or lack of action’.

Initial enquiries, questions or concerns, are not complaints; for example a question relating to why a particular decision has been taken is not a complaint.

Who can make a complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as admissions, which are the responsibility of the Local Authority).

Anonymous complaints will not normally be investigated under the procedures stated here, unless it is a matter of child protection or bullying, in which case, the school may decide to investigate the allegations further.

Please note that when dealing with a complaint about a named child, the school will only communicate and share information with those persons who have legal responsibility for the child.

Before making a complaint, it is advised that the parents/carers should:

- Make themselves aware of any school policies or procedures relating to the concern or complaint about to be raised. (The school should be following its own policies and procedures, or those imposed on it by the Local Authority or Central Government, for example, where the curriculum or national assessments procedures are concerned.)
- Make themselves aware of **all** the facts; remember that children will have a child’s perception of what happened and are unable to reason or see a ‘bigger’ picture.
- Be prepared to approach the school in a **calm manner** as opposed to an aggressive manner; no complaint justifies aggression on the part of any adult towards another adult.
- Complaints must be raised as soon as possible after an incident arises and within six weeks of the incident taking place.

Complaints Procedure

Complaints that are not about a child, should be made first to the Headteacher (Stage 2).

Complaints about the Headteacher should be made first to the Chair of the Governing Body (Stage 3)

Every complaint is dealt with on an individual basis. A complaint form (obtained from the school office) must be completed and returned to school as soon as possible. In most cases the procedure to follow is;

Initially you should discuss your concerns with your child’s class teacher if appropriate. Many concerns will be resolved satisfactorily simply by providing clear information or through an informal meeting to

discuss the matter. If, after speaking to the class teacher, the parent/carer is not satisfied, then they would be advised to go to Stage 1.

A parent should not approach a governor. (Governors should not act on behalf of a parent or divert the complainant from the procedures outlined here, in case they are required to sit on a hearing panel at a later stage.)

1. Stage 1 – Complaint heard by a member of the Senior Leadership Team. To communicate your complaint to a member of the Senior Leadership Team, you must complete a Stage 1 complaint form (obtained from the school office). If, after speaking to the SLT member, the parent/carer is not satisfied, then they would be advised to go to Stage 2.
2. Stage 2 – Complaint heard by the Headteacher. To communicate your complaint to the Headteacher, you must complete a Stage 2 complaint form (obtained from the school office). It is important that you outline some of the details to enable the Headteacher to speak to anyone involved in order to begin to get a wider understanding of what has happened, prior to the appointment. The Headteacher will endeavour to speak with the complainant as soon as she is available, if this is not possible and the complaint needs to be heard urgently, then the appointment can be made with a Senior Member of staff. If you are not satisfied by the outcome of the meeting with the Headteacher, then you will be advised to move to the next stage.
3. Stage 3 – Complaint heard by the Chair of the Governing Body. To raise your complaint with the Chair of the Governing Body, you must complete a Stage 3 complaint form (obtained via the school office). This should be completed within ten school days of the outcome of Stage 2. Give clear details of your complaint on the form and attach any relevant paperwork.

The Chair of Governors should;

Acknowledge your letter within 10 school days from receiving it.

Tell you what arrangements have been made for your complaint to be considered.

Provide an opportunity for you to discuss your letter in more detail with themselves.

Investigate your complaint thoroughly within 20 working days.

Write to you within 10 school days following the end of the investigation, and detailing the outcome of that investigation including any actions taken.

Offer escalation to Stage 4 if you are still not satisfied.

4. Stage 4 – Complaint Heard by the Governors’ Complaints Appeals Panel. To move to this stage, you must complete the Stage 4 complaints form (obtained via the school office), giving details of the complaint and asking that the complaint be heard by the panel. This stage is the final stage of the complaint being heard in school. Individual complaints will not be heard by the Governing Body at any stage. The panel may consist of between 3 and 5 Governors. The Chair of the Governing Body will not be involved at this stage.

This panel should;

Through a nominated Chair, convene a panel of Governors who have not previously been involved.

Issue a letter inviting you to a meeting.

Issue a letter within 5 school days from the panel hearing, confirming the panel's decision, which could be to:

- Dismiss the complaint in whole or part
- Uphold the complaint in whole or part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not reoccur

The panel will also offer escalation to Stage 5 if you are not satisfied with their decision and confirm how you can do this and what the resulting outcomes could be.

5. Stage 5 – Independent Appeal and Review by the Local Authority. Complainants must note that where a complaint has exhausted the school procedures, the LA will examine the complaint only if the school's complaints policy has been followed. The LA's role at this point is not to re-investigate the substance of the complaint, this remains the responsibility of the school, but to investigate whether the school has complied with its own procedure and whether its actions were reasonable. You must use a Stage 5 complaints form to access Stage 5.
6. Stage 6 – The final stage of appeal is the Secretary of State for Education. If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the Governing Body has acted unlawfully or unreasonably and where it is expedient to do so.

You should write a letter to:

The School Complaints UNIT (SCU)
Department for Education
2nd Floor, Piccadilly Gate
Manchester
M1 2WD

The SCU will examine only if the school's complaints policy has been followed. The Department do not re-investigate the substance of the complaint. This remains the responsibility of the school.

Vexatious, Malicious or Repetitive Unfounded Complaints

The vast majority of complaints are resolved by informal contact. There are occasions when the school is required to deal with vexatious, malicious or repetitive unfounded complaints, which cause

unnecessary anxiety for the member of staff associated with the complaint and also wastes valuable 'school hours'.

As an example, a persistent or vexatious complaint:

- Displays behaviours/actions which are disproportionate, harassing and repetitious;
- Seeks unrealistic outcomes relative to the issue being raised and who state that their intention is to persist until that outcome is achieved;
- May be carried out in anger; where no facts bear evidence to the rightfulness of the complaint;
- Repeatedly makes the same complaint with minor differences but who do not accept the outcome of any investigation into their complaints.

In such cases, the school will refer directly to the General Complaints Procedure for Maintained Schools (Dudley LA).

Policy for Unreasonable Complainants

Mount Pleasant Primary 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.

Mount Pleasant Primary 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 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 Mount Pleasant Primary 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 Mount Pleasant Primary School.

Barring from the School Premises

If a parent's behavior is a cause for concern, the school can ask him/her to leave the school premises. In serious cases, the Headteacher or the Local Authority can notify parent's in writing that permission to enter the school site has been temporarily withdrawn. School will 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 and either confirmed or lifted. If the decision is confirmed then this must be communicated to the parent in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so in writing to the Chair of Governors.

Appendix 1 – Roles and Responsibilities

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

The Complaints Co-ordinator (or Headteacher)

The complaints co-ordinator should:-

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, Headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:-
 - sharing third party information;
 - additional support - this may be needed by complainants when making a complaint including interpretation support.

The Investigator

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:-

- 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;
 - consideration of records and other relevant information;
 - interviewing staff and children/young people and other people relevant to the complaint;
 - analysing information;
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;

- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- 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.

The Panel Clerk (this could be Clerk to the Governors or the Complaints Coordinator)

The Clerk is the contact point for the complainant for the panel meeting and is expected to:-

- set the date, time and venue of the hearing, ensuring 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;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

The Panel Chair

The Panel Chair has a key role in ensuring that:-

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;

- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – 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 hearing;
- liaise with the Clerk and complaints co-ordinator.

Panel Member

Panellists will need to be aware that:-

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so; No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant;

However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing 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.

- many complainants will feel nervous and inhibited in a formal setting;

Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;

Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.

The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.

- The welfare of the child/young person is paramount.

Mount Pleasant Primary School Stage 2 Formal Complaint Form

Please complete this form and return it, via the school office, to the Headteacher, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Relationship with school (e.g. parent of a pupil on the school roll):.....

Pupil's name (if relevant to your complaint):.....

Your Address:

Telephone numbers

Daytime:

Evening:

E-mail address:

Please give concise details of your complaint, (including dates, names of witnesses etc...), to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

School use:

Date Form received:

Date response sent:

Received by:

Response sent by:

Mount Pleasant Primary School Complaint Stage 3 Formal Complaint Form

Please complete this form and return it to the Chair of Governors, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Relationship with school (e.g. parent of a pupil on the school roll):

Pupil's name (if relevant to your complaint):.....

Your Address:

Telephone numbers

Daytime:

Evening:

E-mail address:

I submitted a formal complaint to the Headteacher at school on and am dissatisfied by the procedure that has been followed **or** my complaint is regarding the Headteacher.

My complaint was submitted to and I received a response from

..... on

I have attached copies of my formal complaint and of the response(s) from the school.

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

School use:

Date Form received:

Date response sent:

Received by:

Response sent by:

Mount Pleasant Primary School Complaint Stage 4 Formal Complaint Form

Please complete this form and return it to the Clerk to the Governing Body, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Your Address:

Telephone numbers:

Daytime:

Evening:

E-mail address:

I submitted a formal complaint to the Headteacher at school on and am dissatisfied by the procedure that has been followed.

My complaint was submitted to and I received a response from on

I then raised the complaint with the Chair of Governors and I received a response from..... on

I have attached copies of my formal complaint and of the response(s) from the school.

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

School use:

Date Form received:

Date response sent:

Received by:

Response sent by:

Mount Pleasant Primary School Complaint Stage 5 Formal Complaint Form

Please complete this form and return it to the Strategic Director of People Services, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your Name:

Your Address:

Telephone numbers:

Daytime:

Evening:

E-mail address:

I submitted a formal complaint to the Headteacher at school on and am dissatisfied by the procedure that has been followed.

My complaint was submitted to and I received a response from
on

I then raised the complaint with the Chair of Governors and I received a response
from..... on

I then raised the complaint with the Governing Body and I had a complaints appeal hearing
on.....

I have attached copies of my formal complaint and of the response(s) from the school.

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

School use:

Date Form received:

Date response sent:

Received by:

Response sent by: