



## Complaints Procedure Policy

<b>Amended by:</b>	Charlotte Coppenhall
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<b>Next review date:</b>	September 2019

## The Potton Federation

We believe that complaints procedures should be easily accessible and well publicised and that Federation staff and governors should be familiar with the procedure so that they can advise parents.

### **Aims**

- To reduce the need for complaint as far as is possible having regard to the overarching aims and purposes of the Federation
- A desire to settle differences informally
- The need for more formal mechanisms for dealing fairly and effectively with complaints which have proved impossible to settle informally
- Ensuring that parents, staff and Governors know what the procedures are

### **Introduction**

Section 29 of the 2002 Education Act requires governing bodies to establish procedures for dealing with all complaints relating to the Federation and to publicise these procedures. The complaints procedure for Potton Federation is published on the Federation website.

The majority of complaints received by schools are properly dealt with by other procedures but it is still a requirement for schools to have a general procedure for the minority of complaints which are not covered by other procedures.

As a matter of daily routine, schools receive numerous contacts from parents and other interested parties, and most issues are easily resolved either by the provision of information, a discussion with a child's class teacher or through the arrangement of an informal meeting.

### **General Principles**

1. The procedure is designed to ensure that wherever possible an informal resolution is attempted and that the first point of contact is the class teacher or form tutor.
2. All stages of the complaints procedure should be investigatory and not adversarial.
3. These procedures are intended for use only when there is a genuine complaint which cannot be managed through an alternative statutory complaints procedure.
4. General complaints are dealt with solely by the Federation. Any such complaint raised with another body shall be re-directed immediately to the relevant school and the complainant informed immediately.
5. Anonymous complaints will not be investigated unless there are exceptional circumstances, notably a child protection issue.
6. A mechanism is in place to deal with spurious or vexatious complaints.
7. Where a complainant believes the appropriate procedures have not been followed by the person dealing with their complaint, the complainant may request that the governing body review the process that has been followed to verify that the procedure has been followed. A request for review which is based on the outcome of an investigation rather than the failure to deal with a complaint will not be accepted.
8. Save for exceptional circumstances, complaints will not be considered beyond three months following the alleged event.

## **Practice**

### **Stage 1 – ‘Raising an Issue’**

- Parents can raise a concern with members of staff. A preliminary discussion about an issue can help a parent to clarify whether or not to make a complaint.
- It is important to treat conversations and correspondence with discretion. However, from the outset all parties to a complaint will need to be aware that some information may have to be shared with others.
- Governors approached by a complainant should refer him or her to the Executive Headteacher or to the Chair of the Governing Body if the complaint is about the conduct or competency of the Executive Headteacher.
- Where complaints concern admissions, exclusions, the curriculum, collective worship, Special Educational Needs, Child Protection, Staff disciplinary or capability procedures, the Executive Headteacher or Governors there are LA recommended procedures that are followed.
- Most concerns are school specific and can be resolved straight away through either the class teacher or the Office Manager. If this proves to be the case no further action is necessary.
- Any concerns that cannot be dealt with by the class teacher or Office Manager can be raised with the Executive Headteacher.
- However, if no satisfactory immediate solution is established, the concern should then be treated as a complaint and written details taken.
- Details of the date, name contact address and phone number of the complainant should be taken. This should be given to the Executive Headteacher immediately along with a brief outline of the issue. Parents should be offered help with recording their complaint by a member of the Senior Leadership Team of the relevant school. The complainant should be made aware of the next step.
- In terms of the complaints procedure, there is no duty to pursue the matter if an anonymous letter is received, as there is no complainant to whom to respond.

However, such letters may relate to something quite serious and if the foreseen eventuality occurs, to the detriment of the Federation, the complainant may surface and state that the Federation was alerted.

Therefore consideration should be given to such letters and a decision taken as to whether the contents justify further investigation.

### **Stage 2 – ‘Follow up’**

- On receipt of notification of a complaint, the Executive Headteacher should contact the complainant within 2 school days to acknowledge receipt and explain the process for managing the issue.
- The Executive Headteacher or a person appointed by the Executive Headteacher should investigate the complaint fully, taking any details from the complainant and the others as appropriate.
- The Executive Headteacher (or designated person) should keep written records of meetings, telephone conversations and other documentation and complete the investigation within five school days. If this is not possible for any reason the complainant should be informed of the new time scale.
- Once all the relevant facts have been established the Executive Headteacher and/or the person investigating the complaint should meet the complainant to attempt to resolve the matter.
- A written response including an explanation of the decision and the reasons for it should be given. This should include what action the Federation will take to resolve the complaint if appropriate. The complainant should also be advised that if they are not satisfied they are able to write to the Chair of the Governing Body within ten school days if they wish to proceed to the next stage of the procedure.

### **Stage 3 – ‘Formal Review’**

- Upon receipt of a written complaint to the Chair of the Governing Body, the Clerk will send an acknowledgement within five school days. The acknowledgement will explain that the complaint will be heard by three members of the governing body constituting the Appeals Committee. The clerk will collate all relevant paperwork and provide this to the chair of the Appeals Committee who will make the papers available to the committee members. At the meeting the Governors will review the evidence provided by the relevant school and the complainant and come to a decision based on the information it has received. The aim of the committee will be to find a fair resolution with the express aim of achieving a resolution that is acceptable to the complainant and the Federation. The committee meeting will be minuted and the outcomes communicated by letter to both parties.
- For the most extreme complaints, and at the sole discretion of the Chair of Governors, the Committee can request a more formal hearing with the complainant and also with the Executive Headteacher. Neither party will be questioned in the other party’s presence. Such meetings will be arranged with the support of an LA Officer and will follow a pre-defined format such as that below. Even in such extreme cases, the nature of the meeting will remain investigatory and not adversarial.
- Such a meeting may be conducted as follows, subject to the recommendation of the chair of governors:
  - The Chair of the Committee welcomes the complainant, introduces individuals and explains the procedure
  - The complainant is invited to explain the complaint
  - The complainant is then questioned if necessary by the Committee Members
  - The Executive Headteacher is invited to make a statement in response to the complaint
  - The executive Headteacher is then questioned if necessary by the Committee Members
  - Either party may call a witness subject to the approval of the Chair of the Appeals Committee
  - The Executive Headteacher will be invited by the Chair of the Committee to make a final statement
  - The complainant should be invited by the Chair of the Committee to make a final statement
  - The Chair of the Committee should explain that the decision of the Committee will be considered and written notification of that decision, which is final, apart from referral to the Secretary of State will be forwarded within five school days. The Executive Headteacher, complainant and all witnesses should then withdraw
  - The Committee will then consider the evidence presented and reach a decision on the complaint and the reasons for it
  - Decide upon the appropriate action to be taken to resolve the complaint
  - Where appropriate, suggest recommended changes to the Federation’s systems or procedures to ensure complaints of a similar nature are not made in future
  - The minutes of the meeting should be kept on file

### **Stage 4 – The LA Role**

The majority of decisions about the day to day operation of schools are the responsibility of the Headteacher while ‘executive’ responsibility rests with the Governing Body. However, LA Officers may be able to support the process by offering consultation, investigation and mediation services and ensuring that the process is followed fairly with due regard to adopted policies, educational regulations and the law.

Occasionally, parents who have been through the schools procedures contact the LA to take the matter further. If LA Officers have not been involved in the complaint, an Officer will discuss the matter with the school to ascertain that procedures have been followed fairly.

### **Stage 5 – The Role of the Secretary of State**

The Secretary of State may not consider any complaint within the scope of these arrangements unless it has first been considered under the LA/school's arrangements for handling complaints. The intention of this is that complaints should, if possible, be dealt with and resolved locally between the person making the complaint and the parties responsible for the local running of schools.

If a Governing Body has failed to carry out its duties under the Education Acts properly, or they are acting "unreasonably", the Secretary of State has the power to issue a direction about a decision made by a Governing Body.

"Unreasonableness" has been defined by the Courts as "acting in a way which no sensible Governing Body acting with due appreciation of their responsibilities would have acted".

### **Stage 6 – Vexatious Complaints**

The Executive Headteacher and governing body are fully committed to the improvement of the Federation and welcome feedback. We will always try to resolve any concerns as quickly as possible. Sometimes, however, those making a complaint may treat staff and others in a way which is unacceptable.

While we realise that some complaints might relate to serious or distressing incidents, we will not accept threatening or harassing behaviour towards any member of the Federation community.

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when pursuing a complaint. Such unreasonable behaviour may include, but is not limited to:

Actions which are:

- out of proportion to the nature of the complaint
- persistent – even when the complaints procedure has been exhausted
- personally harassing
- unjustifiably repetitious

An insistence on

- pursuing unjustified complaints
- unrealistic outcomes to justified complaints

An insistence on

- pursuing justifiable complaints in an unreasonable manner (e.g. using abusive or threatening language)
- making complaints in public)
- Refusing to attend appointments to discuss the complaint

In the case of unreasonably persistent complaints or personal harassment, the Federation may take some or all of the following steps, as appropriate:

- Inform the complainant informally that their behaviour is considered to be unreasonable or unacceptable and request a changed approach
- Inform the complainant in writing that the school considers their behaviour to be unacceptable

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- Require that all future meetings with a member of staff to be conducted with a second person present and that in the interests of all parties, notes of such meetings will be taken
- Inform the complainant that, excepting emergencies, the school will respond only to written communication and that such written communication may be required to be channelled via the Local Authority.

The Federation reserves the right not to respond to communications from individuals subject to this policy.