

# IVY LANE SCHOOL



## COMPLAINTS PROCEDURE (IVY/POL057)

Review date	Date agreed	Next review
January 2013	February 2013	Term 3 13/14
January 2014	January 14	Term 3 14/15
July 2015	July 2015	Term 6 15/16
May 2016	May 2016	Term 2 17/18
October 2016	October 2016	Meeting 2 18/19

## IVY LANE SCHOOL Complaints Procedure

### Introduction

We endeavour to provide the best education possible for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the governing board has approved the following procedure which explains what you should do if you have any concerns about the school. All members of staff will be familiar with the procedure and will be able to assist you.

### Which procedure do I need?

Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the school website or ask for a copy from the main school reception:

- *Pupil admissions; please see the school's admissions policy or contact Wiltshire Council.*
- *Pupil exclusions; please see the school's behaviour policy.*
- *Staff grievance, capability or disciplinary; these are covered by the school's grievance, disciplinary and capability procedures.*
- *Where the complaint concerns a third party used by the school; please complain directly to the third party themselves (unless it directly effects the safety or welfare of the child).*
- *Anonymous complaints – please refer to the whistleblowing policy.*
- *Subject Access Requests and Freedom of Information Requests – please see the school's data protection and freedom of information policy*

### Raising Concerns

The majority of concerns can be dealt with swiftly. Where you have a concern about any aspect of the school or your child's education or wellbeing, your first point of contact is your child's class teacher or the Key Stage Leader (Miss Barrass for KS1 and Mr MacMahon for KS2) . If you can, please speak directly to them (we ask that this is done after school and not at the start of the school day). Alternatively, you can speak with the Pastoral Manager (Mrs Tottle) or a Senior Leader on the gates each morning. Hopefully, they will be able to address your concerns quickly, or arrange a meeting to discuss the issue(s).

You can also raise a concern via the office by telephone (preferably) or by e-mail. Please note that we will do our best to respond to emails within 5 school days and a verbal discussion will generally also be necessary. (Please speak directly to us if you require a quicker response). We cannot commit to resolving all concerns and complaints solely by e-mail.

A face to face meeting maybe necessary to resolve concerns raised to enable discussion and to share information.

All concerns will be dealt with confidentially, although any staff member may need to take notes. (Any such notes will be kept in accordance with the principles of the Data Protection Act 1998. However, such notes would be able to be used to as evidence if further investigation was required, or if the concern became a formal complaint.)

We may require up to 5 school days following the initial verbal discussion to investigate any concerns raised with all those involved.

### **Safeguarding**

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's safeguarding policy available from the main school reception.

### **Social Media**

In order for complaints to be resolved as quickly and fairly as possible, we request the complainants do not discuss complaints publically via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, **and we expect complainants to observe confidentiality also.**

### **Complaints that result in staff capability or disciplinary**

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the headteacher and/or the individual's line manager. The complainant is entitled to be informed that action is being taken and the eventual outcome of any such action, but they are not entitled to participate in the proceedings or receive any detail about them.

**There are 3 stages** to our **complaints procedure**. A complaints co-ordinator will manage the complaints process and the complaints co-ordinator for this school is the Headteacher

### **Stages of the Complaint:**

**Stage 1 – initial investigation** by a member of the Senior Leadership Team (SLT)

Where as a result of raising a concern the complainant still feels that the issue has not been addressed, or where the outcome has been that the complaint needs further investigation than can be resolved briefly, they may progress by making an informal complaint. In doing so, the following steps will be followed:

1. Complainant contacts a member of the SLT
2. The complainant must explain in writing
  - An overview of the complaint so far
  - who has been involved
  - why the complaint remains unresolved
  - action they would like to be taken to put things right.
3. A member of the SLT will respond within 5 working days (excluding days during school closure) of having received the written complaint. They will explain what action they intend to take.

4. Where the complaint is about a member of staff or a school governor, a member of SLT will arrange an informal mediation meeting between the two parties to see if a resolution can be come to.
5. A member of the SLT will provide a written confirmation of the outcome of their investigation within 15 working days (excluding those which fall in the school holidays) of having sent confirmation of the intended action. Where the complainant is not satisfied with the outcome, they are able to progress to Stage 2 of the complaints process, and launch a formal written complaint.
6. A member of the SLT will make a record of the concern and the outcomes of the discussion which will be held centrally for twelve months, in line with the principles of the Data Protection Act 1998

## **Stage 2 – Formal investigation by the Headteacher**

1. The complainant may submit a formal complaint form to the Headteacher. See the end of the procedure for contact details and for a copy of the form.
2. The Headteacher will respond in writing within 10 working days (excluding those that fall in the school holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.
3. A log of all correspondence in relation to the complaint will be kept in accordance with the data protection principles.
4. The Headteacher will consider all relevant evidence; this may include but is not limited to:
  - a statement from the complainant,
  - where relevant a statement from an individual who is the subject of the complaint
  - any previous correspondence regarding the complaint
  - any supporting documents in either case
  - interview with anyone related to the complaint.
5. The Headteacher may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation.
6. After considering the available evidence, the Headteacher can:
  - Uphold the complaint and direct that certain action be taken to resolve it
  - Reject the complaint and provide the complainant with details of the stage three appeals process
  - Uphold the complaint in part: in other words, the Headteacher may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.
7. The Headteacher must inform the complainant of their decision in writing within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of the receipt of the complaint. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a

result of the complaint. Finally, they must provide the complainant with details of how to progress the complaint to Stage three if they are not satisfied, providing them with the contact details of the clerk to the governors (see the end of the procedure for these).

### **Stage 3 – Appeal – review by a panel of the governing board:**

If the complainant wishes to appeal a decision at Stage 2 of the procedure, or they are not satisfied with any actions in relation to the complaint, the complainant is able to appeal this decision.

They must write to the clerk to the governors (see the contact details at the end of the procedure) as soon as possible after receiving notice of the headteacher's decision, briefly outlining the content of the complaint and requesting that a complaints appeal panel is convened.

The clerk to the governors will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation and distributing this 5 working days in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting.

The complainant must request an appeal panel within 4 weeks of receiving the Headteacher's decision or it will not be considered, except for in exceptional circumstances. On receipt of this written notification, the following steps will be followed:

1. The clerk to the governors will write to the complainant within five working days (not including the school holidays) to confirm receipt of the appeal request and detail further action to be taken.
2. The clerk to the governors will convene a panel of three school governors. All three panel members will have no prior knowledge of the content of the complaint.
3. The appeal hearing will take place within 20 working days (excluding those which fall in the school holidays) of receipt of the date of the confirmation letter from the clerk to the governors to the complainant, confirming the appeal.
4. In addition to the panel, the following parties will be invited, where applicable:
  - the complainant
  - the Mr C Cannings who dealt with the complaint at Stage 2
  - where the complaint regards a member of staff, the staff member who is the subject of the complaint.

The complainant is also able to bring a companion with them to the hearing if they wish. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them.

The companion will be a friend or a colleague. Neither party is able to bring legal

representation with them. If after the hearing any party feels that legal action is necessary, please see the contact details at the end of the procedure.

5. If the attendance of any pupils is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.
6. Where the complaint is about a governor, the complainant may request that the appeal is heard by an entirely independent panel. It is at the discretion of the governing board who will notify the clerk to the governors of their decision. Where an entirely independent panel is required, timescales may be affected while the school source appropriate individuals for the review.
7. The panel can make the following decisions:
  - Dismiss the complaint in whole or in part
  - Uphold the complaint in whole or in 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 recur.
8. All parties who attended the meeting will be informed in writing of the outcome of the appeal within 5 working days (excluding those which fall in the school holidays).

**This is the final stage at which the school will consider the complaint.**

**If the complainant remains dissatisfied and wishes to take the complaint further, please see the link to make a complaint to the DfE, at the end of this page.**

#### **Unreasonable (vexatious) complaints:**

Where a complainant raises an issue that has already been dealt with via the school's complaints procedure, and that procedure has been exhausted, the school will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light. If a complainant persists in raising the same issue, the Headteacher will write to them explaining that the matter has been dealt with fully in line with the school complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Department for Education (see the end of this document) if they wish to take the matter further.

#### **Unreasonable complaints include the following scenarios:**

- The complainant refuses to co-operate with the school's relevant procedures.
- The complainant changes the basis of the complaint as the complaint progresses.
- The complainant seeks an unrealistic outcome
- Excessive demands are made on the time of staff and school governors and it is clearly intended to aggravate.
- The complainant acts in a way that is abusive or offensive.

Contact details for Ivy Lane School

Please contact the school on 01249 652556 or email [admin@ivylane.wilts.sch.uk](mailto:admin@ivylane.wilts.sch.uk)

Contact details for external organisations if not satisfied with the outcomes of the complaints procedure in full:

- If you have any queries regarding any aspect of the complaints procedure, please direct these to the clerk to the governors, on 01249 652556 or [clerk@ivyane.wilts.sch.uk](mailto:clerk@ivyane.wilts.sch.uk).
- If the complainant feels that the governing board acted 'unreasonably' in the handling of the complaint, they can complain to the Department for Education after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances. <https://www.gov.uk/complain-about-school>
- Ofsted will also consider complaints about schools

Reviewed by: Chris Cannings

Date: October 2017

Agreed by Governors: October 2017

Signed (chair of governors):

Appendix 1 (p.8/9) : Complaints Form

Appendix 2 (p.10): Govenors Guidance

## Appendix 1

### Complaint Form

Please complete and return to (complaints coordinator) who will acknowledge receipt and explain what action will be taken.

Your Name:
Pupils Name:
Your relationship to the pupil:
Address:
Postcode:
Telephone No:
Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response?)

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

Are you attaching any paperwork? If so, please give details

Signature:

Date:

**Official use**

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

**The following information is intended as a guide for schools and governing boards based on the best practice guidance produced from the DfE (Department for Education).**

**The Law:**

Section 29 of the Education Act 2002 requires that all LA maintained schools must have and make available a procedure to deal with all complaints relating to their school and that this will also apply to any community facilities or services that the school provides.

**Formal complaints Procedure:**

There are **3 stages** to the school complaints procedure:

- **Stage 1** – complaint heard by member of SLT or HT or delegated to a member of staff (though not the subject of the complaint)
- **Stage 2** – complaint heard by member of SLT, HT or CoG (but not the same person as involved in Stage 1)
- **Stage 3** - complaint heard by the board of governors' complaints appeal panel – **but cannot involve any governor involved in Stages 1 or 2.**

You should be clear about the difference between a **concern and a complaint**. Informal concerns, taken seriously at the earliest stage, will reduce the numbers that develop into formal complaints.

**Concern** – defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

**Raising Concerns** - informal and immediate addressing of issues, by a relevant staff member. To be completed within 3 months.

**Complaint** – defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. In most cases classroom teachers will receive the first approach and it would therefore be beneficial if staff were able to resolve issues on the spot, including apologising where necessary, so that concerns do not develop into formal complaints.

In other cases, where the complaint is about the school but not from a parent/carer, it will be the headteacher that will receive an approach; again it is beneficial if they can resolve the issue.

Any complaints that are potentially child protection issues will automatically invoke the school's child protection procedures.

**Formal procedures should only be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.**

Anyone can make a complaint about any provision or services that the school provides.

**Stage 1 – initial investigation** by staff member – where dissatisfied progress to Stage 2 – to be completed within 20 working days.

**Stage 2 - formal investigation** by SLT, HT or CoG – where dissatisfied progress to Stage 3 – to be completed within 30 working days.

**Stage 3 – formal appeal to a panel of governors:** this is the final stage of the school complaints procedure. To be completed within 30 working days. Where dissatisfied with the outcomes, the complainant could contact the DfE.

### **Complaints about the headteacher or the governors:**

Where a complaint regards the headteacher, the complainant should first directly approach the headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the clerk to the governors. The Stage 2 process will then commence, but with the CoG as the named individual to hear the complaint.

Where a complaint regards a governor, the same process applies as for the headteacher. Where a complaint concerns the CoG, the individual should contact the clerk to the governors. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 3 will take immediate effect. The vice chair will mediate any proceedings.

### **Roles and Responsibilities:**

**The complainant** (the person making the complaint) will receive a more effective response to their complaint if they:

- Co-operate with the school in seeking a solution to the complaint
- Contacts the school as early as possible with the full details
- 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 and in confidence

**The Complaints Co-ordinator** will:

- Ensure that the complainant is fully updated at each stage of the procedure
- Make sure that all involved in the procedure will be aware of any legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000
- Liaise with any member of staff, the Headteacher, the CoG and Clerk to the Governors to make sure the complaints procedure is followed
- Keep records
- Be aware of issues regarding sharing 3<sup>rd</sup> party information and additional support such as an interpreter

**The Investigator** is the person involved at Stages 1 and 2 of the formal procedure. They will provide a comprehensive, open, transparent and fair consideration of the complaint through:

- A sensitive and thorough conversation with the complainant to establish what has happened and who has been involved
- Consideration of records and any other relevant information
- The interview of staff and children/young people and any others relevant to the complaint
- Analysing any relevant information
- Liaison with the complaints co-ordinator to ascertain what the complainant feels would put things right

- Identifying solutions and making recommendations in regard to actions to resolve the issues
- Being aware and mindful of the timescales within the procedure to responding
- Writing the outcomes to the complainant in plain and clear language

The person undertaking the investigation will at all times conduct interviews with an open mind and be prepared to persist in the questioning and keeping notes of interviews (or arranging for an independent note-taker to record minutes of any meetings).

**The Governors Appeal Panel Clerk (this could be the clerk to the governors or the complaints co-ordinator)** will be the contact point for the complainant for the panel meeting and would:

- Set the date, time and venue of the hearing, making sure that dates and times are convenient to all parties and that the venue is accessible
- Collate any written material and make sure that all parties are in receipt of this in advance of the hearing
- Meet and welcome the parties as they arrive at the hearing
- Record the proceedings
- Circulate minutes of the panel hearing
- Notify all parties of the decision of the panel
- Liaise with the complaints co-ordinator

**The Appeal Panel Chair** has a key role in making sure that:

- The meeting is minuted
- The remit of the panel is explained to the complainant and that they and the school will have the opportunity of putting their case before the panel and to seek clarity
- The issues are addressed
- Key findings of fact are made
- Those unfamiliar with speaking at such hearings are put at ease
- The hearing is conducted in an informal manner with everyone treated with respect and courtesy
- The layout of the room 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 any part of the procedure prior to the hearing
- Any written material has been seen by everyone attending the hearing
- Liaise with the clerk and complaints co-ordinator

**Panel members** will 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 will be allowed to form part of the panel if they have had prior involvement or knowledge in regard to the complaint and the circumstances around it)
- The aim of the hearing will always be to resolve the complaint and achieve reconciliation between the school and the complainant (however it will be recognised that the outcome of the hearing might not always be to the satisfaction of the complainant and it may only be possible to be in receipt of established facts and make recommendations that provide the complainant with the assurance that their complaint has been taken seriously)
- Many complainants may feel nervous and inhibited in a formal setting
- Extra care will need to be taken when the complainant is a child/young person and present during the hearing

**Managing and Recording Complaints:**

**Recording Complaints:** It is useful to record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. At the end of a meeting, or telephone call, a brief note of the conversation should be made to make sure that all parties have the same understanding of what was discussed and agreed and a copy of any written response will be retained for the record. This will avoid any later challenge or disagreement over what was said. The progress of the complaint and the final outcome will be recorded and held centrally within the school. Complainants will have a right to copies of these records.

**Review by the Appeal Panel of Governors:** Complaints **will not be shared with the full board of governors** except in general terms in case an appeal panel needs to be organised. If the whole board is made aware of the substance of a complaint, prior to the final stage being completed, an independent panel will be arranged to hear the complaint comprising of governors from another school.

Complainants can request an independent panel if they believe there is likely to be bias in the proceedings and the board will consider the request but this decision will be made by the governors.

As well as addressing an individual's complaint, the process of listening to and resolving complaints will contribute to school improvement. The monitoring and review of complaints by the school and the governing body is a useful tool in evaluating the school's performance. You can monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure making changes where necessary.

**Complaint information shared with the whole governing body should not name individuals.**

The procedure and policy should be reviewed by the board every 2 years.

### **Publicising the Procedure:**

There is a legal requirement for the complaints procedure to be publicised. As a governing body you should include details of our procedure in:

- Information given to new parents when their children join the school;
- On the school website

### **Investigating Complaints:**

At each stage the person investigating the complaint will ensure that they:

- 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 (if unsure or further information is necessary)
- Clarify what the complainant feels would put things right
- Consider interviewing those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Conduct any interviews with an open mind
- Keep notes of any interviews

### **Resolving Complaints:**

At each stage in the procedure you will want to keep in mind ways in which a complaint can

be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An apology
- An explanation of why an action was undertaken in a certain way
- An admission that the situation could have been handled differently or better
- An assurance that the event complained of will not recur
- An explanation of the steps that have been taken to ensure that it will not happen again
- An undertaking to review school policies in light of the complaint

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

You will try to identify areas of agreement between the parties. You will also try to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

### **Serious and Persistent Complainants:**

If properly followed, the school complaints procedure is expected to limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of Governors will inform them in writing that the procedure has been completed/exhausted and that the matter is now closed.

If the complainant contacts the school again about the same matter, and the complainant has completed the procedure, the school will view the correspondence as 'serial' or 'persistent' and will not respond.

You should only take the decision to stop responding if:-

- We have taken every reasonable step to address a complainant's needs
- The complainant has been given a clear statement of the school's position and their options (if there are any)
- The complainant is contacting the school repeatedly but making substantially the same points each time
- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience as confirmed in a letter, email or telephone call
- Letters, emails and telephone calls are often or always abusive or aggressive. If they include insulting personal comments about or threats towards staff then you would need to take appropriate action

### **There is a separate policy available for dealing with Unreasonable or Vexatious Complaints.**

The headteacher will use their discretion to choose not to investigate these unreasonable or vexatious complaints. Where they decide to take this course of action, they must inform the chair of governors that they have done so, explaining the nature of the complaint and why they have chosen not to investigate. If the chair of governors deems it appropriate to, they can redirect the headteacher to investigate the complaint. The full complaints procedure will commence from Stage 1 on this direction.

If the Chair of Governors upholds the headteacher's decision not to look into the complaint and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may write to the Department for Education.

## The Role of the DfE School Complaints Unit:

Once a complainant has completed the school complaints procedure and if they remain dissatisfied, they have the right to refer their complaint to the Secretary of State (SoS). The SoS has a duty to consider all complaints raised but will only intervene where the board of governors has acted unlawfully or unreasonably and where it is expedient or practical to do so.

It will be the School Complaints Unit (SCU) that will consider complaints relating to LA maintained schools on behalf of the SoS. They will look at whether the complaints policy and any other relevant statutory policies were adhered to. In addition they will look at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint; this is the responsibility of the school.

The SCU will not overturn a school's decision unless there are exceptional circumstances such as the school having acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with the school's procedure they may request that the complaint is looked at again, by the school.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. A written assurance will also be required as to future conduct. A failure by the school to carry out remedial actions or provide written assurances could result in a formal direction being issued by the SoS.

## Ivy Lane School Complaints Procedure Flowchart

Summary of Dealing with Concerns & Complaints

