

# **BINSTEAD PRIMARY SCHOOL COMPLAINTS PROCEDURE**

**May 2016**

*A. Whittle*

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It is the policy of Binstead Primary School to resolve a complaint at the earliest possible stage and to take seriously, any informal concern that is raised. All complaints will be notified to the school complaints co-ordinator and all communication/meetings will be recorded to evidence progress and how the procedure has been followed. The complaints co-ordinator will keep a time-line of actions in relation to the complaint, in case a panel hearing is required.

This procedure does not apply to the following complaints, for which there are separate procedures:

- School Admissions
- Special Educational Needs Assessments (SEND)
- School re-organisation proposals
- Child Protection
- Exclusion
- Whistleblowing
- Staff grievance and disciplinary procedures
- Complaints about services provided by other providers who may use the school's premises or facilities

The school will not respond to anonymous complaints, but in such a case, the headteacher and/or chair of governors will consider whether the issue and fear of identification are genuine or the issue is one of child protection.

Throughout this procedure all those involved will be sensitive to and comply with the nine protected characteristics under the Equality Act 2010. Every effort will be made to meet the required timescales, but should an extension be necessary at any part of the procedure, all parties will be notified and given a reason for the delay.

### **Stage One: Concern or Complaint Raised with Staff Member (Informal)**

A parent or any other person (the complainant) can raise an initial concern with a member of staff at the school. The member of staff will take note and seek to identify the outcome that the complainant would hope to achieve and/or a resolution.

If the member of staff first contacted cannot immediately deal with the matter, s/he will make a clear note of the date, name, contact address or phone number and will agree a timescale for contact to be made with the complainant (normally 3 working school days). The member of staff will notify the complaints co-ordinator, who will follow up with the member of staff or pass the details to another appropriate member of staff for action and to make contact with the complainant within the agreed timescale.

The school will respect the views of a complainant who indicates that he/she would have difficulty in discussing a complaint with a particular member of staff.

Similarly, if a member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator can refer the complainant, with the approval of the compromised member of staff, to another member of staff. The member of staff may be more senior but does not have to be. The ability to consider the complaint confidentially, objectively and impartially is crucial.

The member of staff dealing with the complaint will seek to reach a resolution and/or provide a response within 10 working school days. If this is not achieved, the complainant will be given a copy of the school complaints procedure and asked to complete the school complaints form (appendix B) and to return this to the headteacher, chair of governors, or clerk to governors<sup>1</sup> within 10 working school days. If the complainant is unable to complete the form, an alternative means of submitting the complaint (including the nature of the complaint and the desired outcome) will be agreed.

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<sup>1</sup> *If a complaint is against the action of a headteacher, or if the headteacher has been very closely involved at Stage One, the chair of the governing body, or another designated governor, will follow this procedure from stage two.*

*If a complaint is against the chair, any other governor or the governing board, the form should be sent to the clerk to governors in the first instance. The clerk will initiate stage 2 with a designated governor, or an external panel, as appropriate.*

*If the first approach is made to a governor, the governor must refer the complainant back to the appropriate person (or to the chair if the concern is about the Headteacher or a governor) and advise them about the procedure. Governors must not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.*

### **Stage Two: Complaint Heard by the Headteacher (or Chair/Designate) (See Appendix C)**

The headteacher (or chair/designate) will acknowledge receipt of the complaint in writing within 3 working school days. The headteacher (or chair/designate) will provide an opportunity for the complainant to meet him/her within 10 working school days, to supplement any information provided in the complaints form.

At this meeting, the headteacher (or chair/designate) will -

- confirm the nature of the complaint and the desired outcome.
- agree a timescale for a response to be sent to the complainant.

The headteacher (or chair/designate) will investigate the complaint to clarify details and to seek a resolution. The headteacher (or chair/designate) will keep written records of meetings, telephone conversations, and other documentation and pass these to the complaints co-ordinator.

Following this investigation, the Headteacher (or chair/designate) will provide a written response including an explanation of the outcome/decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. Copies of all documents and notes will be given to the complaints co-ordinator.

The response letter will advise the complainant that, should s/he wish to take the complaint further, s/he should follow either step 1 or 2 below:

1. If the chair of governors has not been involved in the process outlined above and has not been involved with the complaint, the complainant should write to the chair and request a review of the complaint. The chair will arrange to meet with the complainant and the person the complaint is about separately, within 10 school working days to seek a satisfactory resolution.
  - At the meeting with the complainant, the chair of governors will agree a timescale for a written response to be sent to the complainant.
  - The chair will provide a written response to the complainant and the person who the complaint is about, with an overview and outcome/decision. The letter will advise the complainant that, if s/he is not satisfied with the outcome/decision, s/he should write to the clerk to governors and request that a complaints panel be convened, to consider how the complaint has been addressed.
  - Records of meetings and other communications will be passed to the complaints co-ordinator.
2. If the chair has previously been involved or option 1 above has failed to achieve a satisfactory resolution, the complainant should write to the clerk to governors and request that a complaints panel be convened, to consider how the complaint has been addressed.

### **Stage Three: Complaint Heard by the Governing Board Complaints Panel (See Appendix C)**

Upon receipt of a written request by the complainant, for a panel to be convened, the procedures outlined below will be followed. If the clerk to governors is unable to act, another clerk will be appointed to the panel.

The clerk will liaise with the complaints co-ordinator and will write to the complainant within 3 working school days to acknowledge receipt and request any further written representations. The complainant will be asked to notify the clerk of anyone who will support them at the meeting and any witnesses they intend to call. The clerk will also invite the headteacher to attend a panel meeting, to prepare a written report for the panel in response to the complaint. The headteacher will also be asked to notify the clerk

of any representative who will be supporting them and any witnesses they intend to call.

The clerk to the panel will convene a governors' complaints panel (using the process agreed annually by the full governing board) and agree with panel members who will chair the panel.

The panel members will be governors (not the headteacher or members of staff) who have had no prior involvement with the complaint. The complainant has the right to request an independent panel of governors, if it they believe there is likely to be bias in the proceedings.

The clerk to the governors will agree a mutually convenient meeting date with the complainant, headteacher and members of the panel and inform them and any relevant witnesses of the date, time and place of the meeting. The meeting will be held at the school unless the complainant specifically requests a neutral venue.

The clerk will collate papers for the panel meeting and send a pack (at the same time) to the complainant (and their representative), the headteacher (and their representative) and members of the panel, at least 5 working days prior to the meeting.

The clerk will make arrangements for the panel meeting to take place and will attend to take minutes of the meeting. All parties other than the clerk and panel members will withdraw from the meeting for the panel to deliberate.

The clerk will draw up confidential minutes and assist the chair of the panel, who will send a final decision letter to the complainant and the person who is the subject of the complaint, within 5 working school days. The decision letter will include the panel decision/s in relation to the complaint and any actions that the panel may recommend. **This is the final stage of the school procedure.**

#### **Stage 4: Complaints to the DfE**

All stages of the school's complaints procedure must be exhausted before a complaint can be considered at this stage. If the complainant is dissatisfied with the way that the complaint has been handled and wishes to go beyond the school's procedure, s/he may contact the School Complaints Unit at <https://www.gov.uk/complain-about-school/types> or by writing to Department for Education School Complaints Unit 2nd Floor, Piccadilly Gate Store Street Manchester M1 2WD

#### **Unreasonable Complaints**

Binstead 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, staff will not be expected to tolerate unacceptable behaviour and action will be taken to protect staff from unacceptable, abusive, offensive or threatening behaviour.

Binstead 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 school's 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 or by email.

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 the 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.

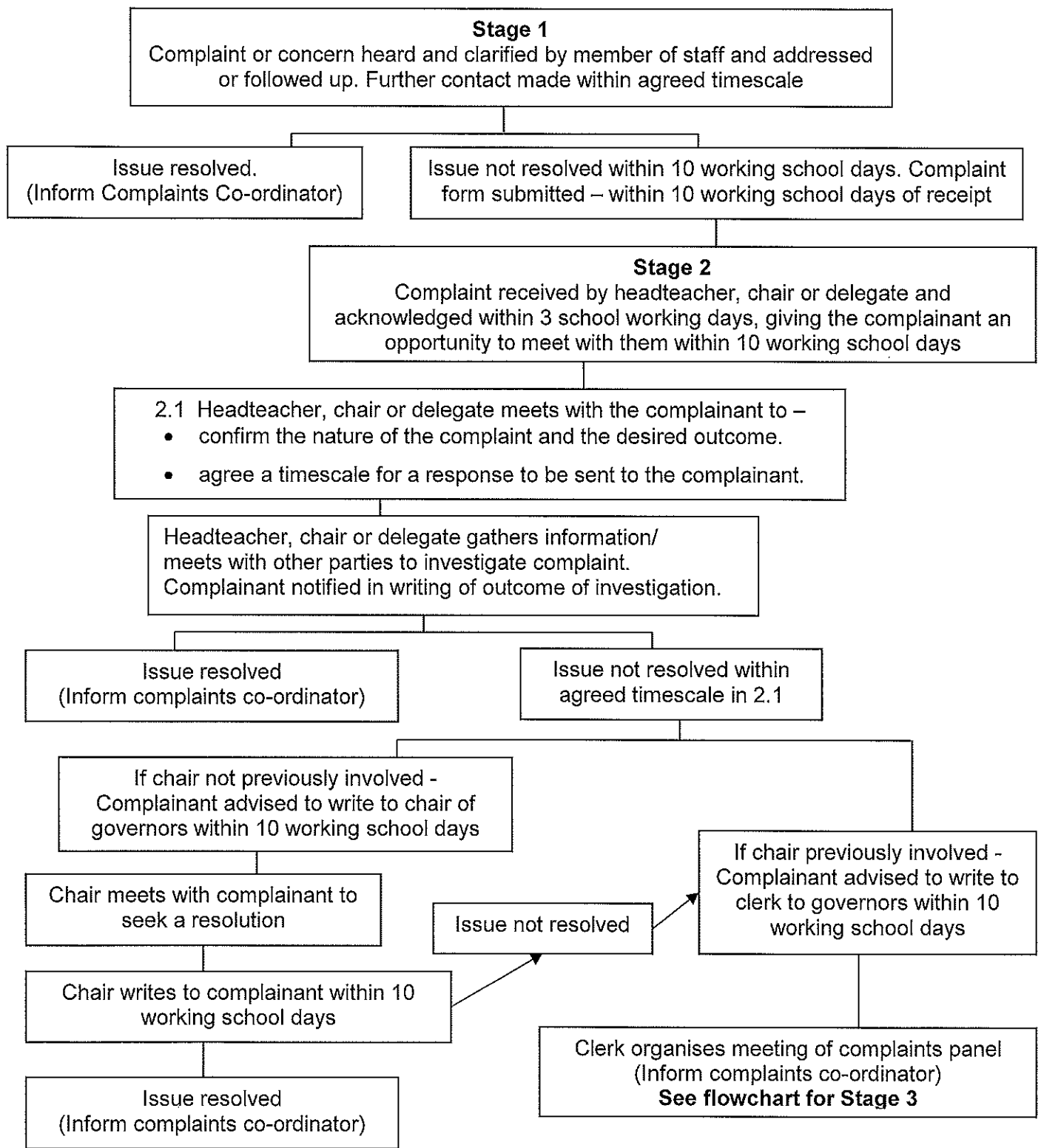
Whenever possible, the headteacher or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

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 Binstead 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 Binstead Primary School.

# 1 Appendix A – Flowchart, Stage 1 and 2

Complaints Co-ordinator to be kept informed and maintain documents throughout the procedure



## 2 Appendix A – Flowchart Stage 3

Clerk convenes a panel of 3 governors and agrees a meeting date, time and venue to be held no later than 20 working school days from receipt of request

Clerk acknowledges request and informs complainant of date, time and venue of meeting in writing within 3 working school days of receipt.

Letter asks complainant to

- confirm their ability to attend and attendance of any colleague/friend/representative
- confirm if any witnesses are to be called
- send written representations/evidence to the clerk within 10 working school days

Clerk notifies the headteacher of the date, time and venue and asks him/her to

- confirm their ability to attend and attendance of any colleague/friend/representative
- confirm if any witnesses are to be called
- send written representations/evidence to the clerk within 10 working school days

Clerk liaises with complaints co-ordinator to compile a pack for circulation to all attendees of the meeting (excluding witnesses) no later than 5 working school days prior to the meeting.

Complaints co-ordinator retains a copy of documents relating to complaint in confidential file.

Clerk makes arrangements for meeting to take place

Clerk arrives early to the meeting, to greet all attendees.

- Panel members and are directed to the meeting room
- Headteacher and complainant (including representatives) are brought into the room at the same time, when the panel is ready
- Witnesses only attend for relevant part of the meeting and leave thereafter

Meeting proceeds according to agenda/clerk takes minutes

All parties, except the panel and the clerk, leave the room for deliberation

All parties may return to the meeting for a verbal response, if a decision has been made

At the end of the meeting the clerk collects copies of packs for confidential disposal

Clerk sends a written response to complainant and headteacher (or person who is subject of the complaint) within 5 working school days

Clerk passes minutes (signed by chair of panel) to Complaints Co-ordinator for confidential file

## Appendix B – Complaints Form

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

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Daytime telephone number:

Evening telephone number:

E-mail address:

Please give the details of your complaint.



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:

## **Binstead School Complaints Procedure – Appendix C ROLES AND RESPONSIBILITIES**

### **The Role of the Complaints Co-ordinator**

The complaints co-ordinator will

- receive information of the initial concern or complaint, and maintain/retain a confidential file throughout and after the procedure has been completed
- receive all further notes of conversations and meetings, agreed actions and outcomes throughout the process of the complaint and file these accordingly
- liaise with staff members, headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- ensure all parties are updated at each stage of the procedure
- produce a timeline of events in relation to the complaint
- 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
- ensure additional support is available to the complainant, if needed
- be aware of issues regarding sharing third party information

### **The Role of the Headteacher, Chair of the Governing Body or the Designated Governor Investigating the Complaint**

- Remain open-minded and impartial throughout the investigation
- Provide a comprehensive, open, transparent and fair consideration of the complaint
- Meet with the complainant to establish the reason for the complaint and identify what the complainant feels would put things right (the complainant is allowed a friend, colleague or representative to support them)
- Interview/meet with others relevant to the complaint (interviewees are allowed an independent colleague or representative to support them)
- Explain the complaint and your role clearly and confirm the interviewee's understanding of the procedure
- Separate hearsay from fact and seek collaborative evidence where required
- Consider records and other relevant information
- Identify a resolution and/or recommended course of action
- Respond to the complainant and the person who is subject of the complaint in clear and plain language
- Keep notes or arrange for notes to be taken and pass to the complaints co-ordinator.

### **The Role of the Clerk to the Panel**

The clerk will liaise with the complaints co-ordinator and will write to the complainant within 3 working school days to acknowledge receipt of the written request to -

- inform the complainant that the complaint is to be heard by three members of the school's governing board, on a mutually agreed date, within 20 working school days of receipt the complaint.
- inform him/her of the right to be accompanied to the meeting by a friend/relative/colleague/other representative
- inform him/her of the right to call witnesses at the discretion of the chair of the panel, or to submit written witness statements.
- explain that the complainant has the right to submit any further documents relevant to the complaint.
- explain that any documents and/or notification of representatives/witnesses must be sent to the clerk within 10 working school days.
- explain how the meeting will be conducted

The clerk will

- invite the headteacher to attend a panel meeting
- ask the headteacher to prepare a written report for the panel in response to the complaint
- explain that the headteacher may submit any further documents relevant to the complaint
- inform him/her of the right to be accompanied to the meeting by a representative
- inform him/her of the right to call witnesses at the discretion of the chair of the panel, or to submit written witness statements
- explain that the report, any documents and/or notification of representatives/witnesses must be sent to the clerk within 10 working school days
- explain how the meeting will be conducted

The clerk will

- convene a governors' complaints panel (using the process agreed annually by the full governing board).

The panel members will be governors (not the headteacher or members of staff) who have had no prior involvement with the complaint. The complainant has the right to request an independent panel of governors, if it they believe there is likely to be bias in the proceedings.

The clerk to the governors will agree the meeting date with the complainant, headteacher and members of the panel and inform them of the date, time and place of the meeting. The meeting will be held at the school unless the complainant specifically requests a neutral venue.

The clerk will liaise with the complaints co-ordinator to compile a pack comprising -

- an agenda
- an index of documents
- a timeline of events/actions
- The complaints form or original written complaint (stage 2)
- written representations and other necessary documents relating to the complaint

The clerk will distribute copies of the pack (at the same time) to the complainant (and their representative), the headteacher (and their representative) and members of the panel, at least 5 working days prior to the meeting.

#### **For the meeting**

The clerk will

- make arrangements for the meeting to take place
- on the date of the meeting, arrange for parties to be brought into the panel meeting together and for witnesses only to attend that part of the meeting where they will be asked to give a statement and/or answer questions
- attend and take minutes of the meeting
- ensure all parties other than the clerk and panel members will withdraw from the meeting for the panel to deliberate
- collect and ensure the confidential disposal of copies of the complaints pack
- draw up confidential minutes and assist the chair of the panel, who will send a final decision letter to the complainant and the person who is the subject of the complaint, within 5 working school days.

#### **The Remit of the Complaints Panel**

Panel members will agree who will chair the panel.

The Panel will **review** the complaint where the action taken or decision made was entirely within the headteacher's own remit and will seek confirmation that

- the complaint was properly handled
- a full and fair investigation was carried out
- the complaint procedure was followed

The panel will only **reconsider** a complaint if the matter was delegated to the Headteacher but is a governing body (strategic) responsibility.

#### **The Role of the Chair of the Panel**

To liaise with the clerk and the complaints co-ordinator.

To ensure that

- confidential minutes are taken of the panel meeting;
- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- each side and the panel are given the opportunity to state their case and to ask questions;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with

respect and courtesy;

- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure; written material is seen by all parties.

#### **Notification of the Panel's Decision**

The chair of the panel will write to the complainant to notify them of the panel's decision/response, within 5 working school days. The letter will include details of how to contact the Department for Education School Complaints Unit.

#### **The Role of the Panel**

The panel will

- keep all information and documents confidential
- be completely impartial and remain so at all times - before, throughout and after the hearing
- have no prior involvement in the complaint or circumstances surrounding it
- listen to representations and ask appropriate questions
- seek to achieve reconciliation between the school and the complainant
- ensure appropriate support is provided for any attendee as necessary
- respect the views of any child or young person and give them equal consideration to those of adults
- assure the welfare and meet the needs of any child/young person who may be present for any part of the meeting
- return copies of the pack to the clerk for confidential disposal

#### **Procedure for the Meeting of the Complaints Panel**

*If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.*

- Welcome and introductions
- Panel chair to explain remit of the committee,
- The complainant (and/or representative) to explain their complaint
- The complainant may call witnesses (at the discretion of the chair)
- The headteacher(and/or representative) to question the complainant and witnesses about the complaint
- Panel members to have an opportunity to question the complainant and witnesses
- The headteacher(and/or representative) to explain the school's response

- The headteacher may call witnesses (at the discretion of the chair)
- The complainant (and/or representative) to question the headteacher and witnesses about the school's response
- Panel members to have an opportunity to question the headteacher and witnesses
- Final statements by both the complainant and the headteacher
- The chair of the panel will explain to the complainant and the headteacher that the panel will now deliberate and a written decision will be sent to both parties within 5 working school days
- All parties, other than the clerk and panel members will leave the meeting
- The panel considers the complaint and all the evidence presented and will
  - (a) reach a unanimous, or at least a majority, decision and
  - (b) decide upon any appropriate action to be taken and
  - (c) where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

The clerk will collect in copies of the pack for confidential disposal.

A letter outlining the decision of the panel and the reasons for it, must be sent to the complainant and headteacher (or person who is subject of the complaint) within 5 working school days. The letter to the complainant will give details of how to contact the School Complaints Unit.

The complaints co-ordinator will ensure that a copy of all correspondence and notes in relation to all stages of the complaint are retained in a separate confidential file.