

St Giles School

Complaints Policy



Signed

Chair of IEB



Interim Executive Head Teacher

Date of Adoption: *1/03/2018* (Spring 2018)

Due Review Date: Spring 2020



'No dreams are out of reach'

In order to reach our dreams
we must have:

- Determination** – We know what we need to do to succeed
- Resilience** – If at first we don't succeed, we try again
- Enthusiasm** – We must want to learn and enjoy learning
- Aspirations** – We must never lose the ambition to achieve high
- Motivation** – We need you to believe that we can do it and encourage us
- Success** – we want you to celebrate our achievements however small they might be



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Introduction

At St Giles School we work hard to develop a positive partnership with parents/carers and their children but sometimes things may go wrong. We will try to work together informally to resolve any differences we may have as quickly and effectively as possible and to learn from them to prevent anything similar from happening again.

All concerns and complaints are taken seriously and our aim will always be to address any ‘concerns’ before they escalate to become formal ‘complaints’. However, the governors have a responsibility under Section 29 of the Education Act 2002 to have in place a procedure to deal with complaints relating to the school and any community facilities or services that the school provides. The Department for Education (DfE) also provides clear advice on complaints, excerpts of this can be found in Appendix 1.

The governing body has carried out an **Equality Impact Assessment** and is satisfied that this policy does not negatively impact on any of the prescribed groups.

Our procedure is based on the guidance provided by the DfE for ‘School Complaints Procedure 2016’. It is agreed and monitored/reviewed by the Governing Body.

Definitions

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 generally defined as *“an expression of dissatisfaction however made, about actions taken or a lack of action.”*

The Informal Stage

Where do you begin with a concern or complaint?

Whether you are a parent/carer or a member of the public the place to start is at the school. It is much better if matters can be sorted out within school, even if things might feel rather awkward in the beginning. There is usually more than one side to any misunderstanding or dispute and it is important that all of the facts are known so that the best solution can be found.

In the first instance please contact the school, for example by speaking to your child’s class teacher, to ask, who is the best person to deal with your concern and how to make an appointment to meet them.

What do you need to do?

Think about the nature of your concern. If there has been a specific incident, gather the facts as you see them and try to separate what might have happened from what actually happened. You might want to

write down the details. If you need help completing or accessing any documentation please ask the school for additional support. You may want to cover some or all of the following;

- What it is you are concerned about or wish to make a complaint about;
- When and where the incident happened;
- Who else was involved;
- Whether anyone saw it happen;
- Who you have spoken to already; and
- What you want to happen as a result of your complaint.

The school will look into the issues you have raised and respond once they have established what happened. It is important that you raise your concerns as soon as you can. By taking positive steps early on, the school is more likely to be able to address your concern or complaint.

What can you expect to happen?

The school will; establish what has happened so far, who has been involved and clarify the nature of the complaint and what remains unresolved.

You will; receive a written acknowledgement within three school days that your concern or complaint has been registered and is being followed up. You will be listened to so that your complaint is understood.

Complaints will be investigated carefully and the school may need some time to do this. A reasonable amount of time for investigating most complaints is twenty school days. You will be told if it will take longer than this and a new deadline set.

If we agree that your complaint is justified, we will tell you what action will be taken. If we do not support your complaint, we will tell you the reasons for our decision.

What if you are not satisfied with the way in which the school has dealt with the complaint?

You will be told of your right to appeal our decision if you feel we are wrong. There are two formal stages for considering the complaint within the school after we have exhausted any informal discussions.

Additional Information

What if your complaint is about the Head Teacher?

If your complaint is about the Head Teacher you should contact the Chair of Governors (the school will tell you how to contact the Chair). The Chair or a nominated governor will investigate your concerns.

What if your complaint is about the governing body or an individual governor?

If the complaint is about a governor, you should contact the Chair of Governors in the first instance. The Chair will investigate your concerns. If the complaint is about the Chair of Governors, another nominated governor will investigate. If you have a complaint about the governing body as a whole, you may contact the Secretary of State for Education directly at the DfE (see address on page 8).

The school would normally ask Nottinghamshire County Council's Governor Services Team to facilitate an investigation into a complaint about the governing body as a whole. They would appoint an officer to carry out the investigation, arrange for a panel of three impartial governors to consider the complaint and then, if necessary, the complainant can go to the Secretary of State for Education if still not satisfied.

Complaints outside the scope of this procedure

Appendix 3 provides a list of matters that, if you have an issue relating to any of these, will be dealt with using separate, statutory procedures.

If the complaint is about the National Curriculum or religious education and worship and the school cannot resolve it, separate procedures apply. You can request more information about this from the Local Authority.

Who can help?

If you feel worried about making a complaint about a school you may want to involve a friend, representative or interpreter to support you. You could contact your local county councillor or there are agencies that might be able to support you, depending on the nature of your complaint, for example:

- Advisory Centre for Education (ACE) on 0808 8005793; or
- Race Equality Council (REC) on 0115 958 6515.

If your child has special educational needs and/or disabilities, you may want to contact Ask Us Nottinghamshire (formerly the Parent Partnership), who provide independent Information, Advice and Support (IAS) for Nottinghamshire residents on 0115 8041740, or by email; enquires@askusnotts.org.uk (please note: if you are not a Nottinghamshire resident, you may need to contact your local IAS)

Closure of the Process

If all stages of the complaints policy have been followed and you are still not satisfied, you have a final right of appeal to the Secretary of State for Education. If s/he agrees that your complaint was justified, s/he will direct the governing body to act in a particular way.

However if you try to reopen the same issue, through a second complaint, then the Chair of Governors or the Appeal panel will inform you that the procedure has been exhausted and that the matter is now closed. If you as the complainant write again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond. Please refer to Appendix 1.

Dealing with Unreasonable Complaints

The 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. St Giles School defines unreasonable complainants as;

‘Those who, because of the frequency or nature of their contacts with the school, hinder our consideration of theirs or other people’s complaints and the effective running of the school’.

Complainants should limit the number of communications with school while their complaint is being progressed. Whenever possible, the Head Teacher or Chair of Governors will discuss excessive communication with the complainant informally. However, if the behaviour continues the Head Teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

For complainants who excessively contact the school, causing a significant level of disruption, we may specify methods of communication and limit the number of contacts as part of a communication plan.

St Giles School Formal Complaints Procedure

We now set out the procedure that will be adopted if the school has been unable to resolve a concern or complaint informally and receives a subsequent formal complaint. It includes the detailed process to be followed if a Complaints Panel has to be convened.

Any formal complaints received by St Giles School will be handled in up to two stages within the school and can be taken up with the DfE if the complainant is not satisfied with the decision reached.

The Head Teacher is responsible for co-ordinating the response to complaints. If necessary another senior member of the school staff or any one of the governors will be delegated by the Governing Body to take charge of an investigation.

General Features of the Formal Complaints Process

It is in everyone's interest that complaints are resolved at the earliest possible opportunity. The outcome of the first contact between the complainant and the school can be crucial in ensuring a satisfactory outcome without the need for escalation. For this reason, staff and governors are made aware of the procedures so that they know immediately what to do if they receive a complaint.

The school will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff or governor. In these cases, the Head Teacher can refer the complainant to another staff member or governor.

The primary aim of all of the meetings, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child and proceedings will, therefore, be as welcoming as possible. Care will be taken to ensure the setting is informal and not adversarial.

Extra care will be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults.

It is helpful if the formal complaint is made in writing to the school and the form included at the end of this Policy (Appendix 2) provides guidance on the sort of information that it would be useful to include. Complaints can also be made by letter but then it is important to make it clear that it is a formal complaint.

A written acknowledgement of receipt of the formal complaint will be returned to the complainant within three school days.

If a member of staff or a governor receives a verbal complaint or an electronic communication that they believe should be followed up within the Complaints Procedure the complainant will be contacted and invited to make the complaint official. If they have made a verbal or electronic complaint and do not receive an acknowledgement within five school days they should contact the school again.

Governors do not have the authority to act unilaterally on a complaint. Where the first approach is made to a governor, they will refer the complainant to the Head Teacher. If the complaint is about the Head Teacher it will be dealt with by the Chair of Governors at this stage of the procedure.

If the subject matter of the complaint is considered serious enough to be referred to an outside agency, such as social services or the police, the agency will be contacted and their advice taken before proceeding.

The Head Teacher will be involved with the complaint from its outset (unless the complaint is about them) The Head Teacher may share the task of collating information ahead of the hearing with another staff member or a governor, but will make their own decision on the action to be taken as a result of their formal hearing of the complaint.

Complaints will not be heard by the whole governing body at any stage, as this could compromise the impartiality of any panel set up later for a disciplinary hearing following a serious complaint. The proceedings in both stages will be treated as strictly confidential.

It is essential that formal complaints meetings are properly recorded; therefore a written record will be kept of formal meetings at each stage. These notes will be the property of the Head Teacher/Panel and complainants do not have an automatic right to see or receive a copy. A copy may be requested, although any decision to share the notes is for the Head Teacher/Panel.

At each stage the Head Teacher or Appeals Panel can decide 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 re-occur.

Stage One: Formal Consideration by the Head Teacher

The Head Teacher will inform the Chair of Governors whenever a formal complaint is received by the school. The Chair, or another nominated governor, may work with the Head Teacher to try to support (but not to manage) the resolution of the complaint. The rest of the governing body will be informed that there is an on-going complaint and given minimal information of its general nature. However, the governors will not be directly involved or informed of the detail of the complaint, so that there are independent governors available in case either an appeals panel and/or a disciplinary panel have to be convened at a later date.

Formal complaints at Stage One will be heard by the Head Teacher, who is responsible for;

- Studying the written complaint;
- Arranging a suitable time and venue for a meeting with the complainant if deemed necessary;
- At the meeting, inviting the complainant and any other relevant persons to explain any more about the event and to ask them questions about the event;
- Determining whether further investigations are necessary;
- Reaching a decision about the complaint;
- Recording the facts, the decision and the reason for the decision;

- Communicating the decision to the complainant and governors; and
- Informing the complainant of their right of appeal to a complaints panel hearing.

You can be accompanied in any meetings by a friend or advisor if you so wish. Pupils may be present for all or part of the proceedings only if it is agreed by both the parents and the school.

Normally, at this stage of the process, we would expect to provide a response in full within 20 school days. If this is not possible we will write to explain the reasons why and when you will receive a response.

Stage Two: Complaint Heard by Governors Complaints Appeal Panel

If you are not satisfied with the outcome of Stage One, you should write to the Chair of Governors, giving details of the complaint and the grounds for your appeal. You will have five school days from receipt of the Stage One outcome letter to submit an appeal.

An appeals panel, of three governors, will be convened. The remit of the panel is to ensure that the complaints procedure has been correctly applied by the school in the previous stages and that the outcome has been fair in the circumstances. The panel will not re-hear the complaint in full.

The meeting will take place within 20 school days of receiving your appeal. It is recognised that this timescale may not be possible in complicated cases but the intention is to hear cases as soon as possible.

You will be informed, at least five school days in advance, of the date, time and venue for the meeting. We hope you will feel comfortable with the meeting taking place in the school but we will do what we can to make alternative arrangements if you prefer.

With the letter, you will receive any relevant correspondence or reports and you will be asked whether you wish to submit further written evidence to the panel. Any additional documentation should be submitted prior to the review panel meeting. The panel may choose not to consider papers submitted on the day.

No governor will sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, the Chair (or nominated governor) will ensure as much as is reasonably possible, that it consists of a cross-section of the categories of governor and that it is sensitive to issues such as race, gender and religious affiliation.

Appeals Meeting Procedure

- The Chair of the Panel to ensure that everyone present is properly introduced and consider any adjustments necessary to enable the complainant and witnesses to fully present their evidence;
- The complainant to explain their complaint, followed by statements from their witnesses;
- The panel and Head Teacher/Governor/Respondent (as appropriate) may question both the complainant and the witnesses after each has spoken;
- The Head Teacher/Governor/Respondent to explain the school's actions, followed by statements from the school's witnesses;
- The complainant may question both the Head Teacher/Governor/Respondent and the school's witnesses after each has spoken;
- The panel may ask questions at any point;

- The complainant is then invited to sum up their complaint;
- The Head Teacher/Governor/Respondent is then invited to sum up;
- The Chair of the Panel to explain that both parties will hear from the panel, in writing, within a set timescale;
- Both parties leave together while the panel considers the evidence presented and reaches a decision.

Witnesses will be asked to attend only for the part of the meeting in which they are to give their evidence and answer questions.

Notification of the Panel's Decision

The Chair of the Panel will ensure that you are notified of the panel's decision, in writing, with the panel's response (including the reasons for the decision) within ten school days of the hearing. This letter will normally come from the clerk to the panel.

The letter will explain that if the complainant is not satisfied with the response from the governors they have a right to appeal to the Secretary of State for Education at the DfE. The Secretary of State will examine if the complaints policy was followed in accordance with provisions set and if the process adhered to education legislation. However, the department will not reinvestigate the substance of the complaint. This remains the responsibility of the school.

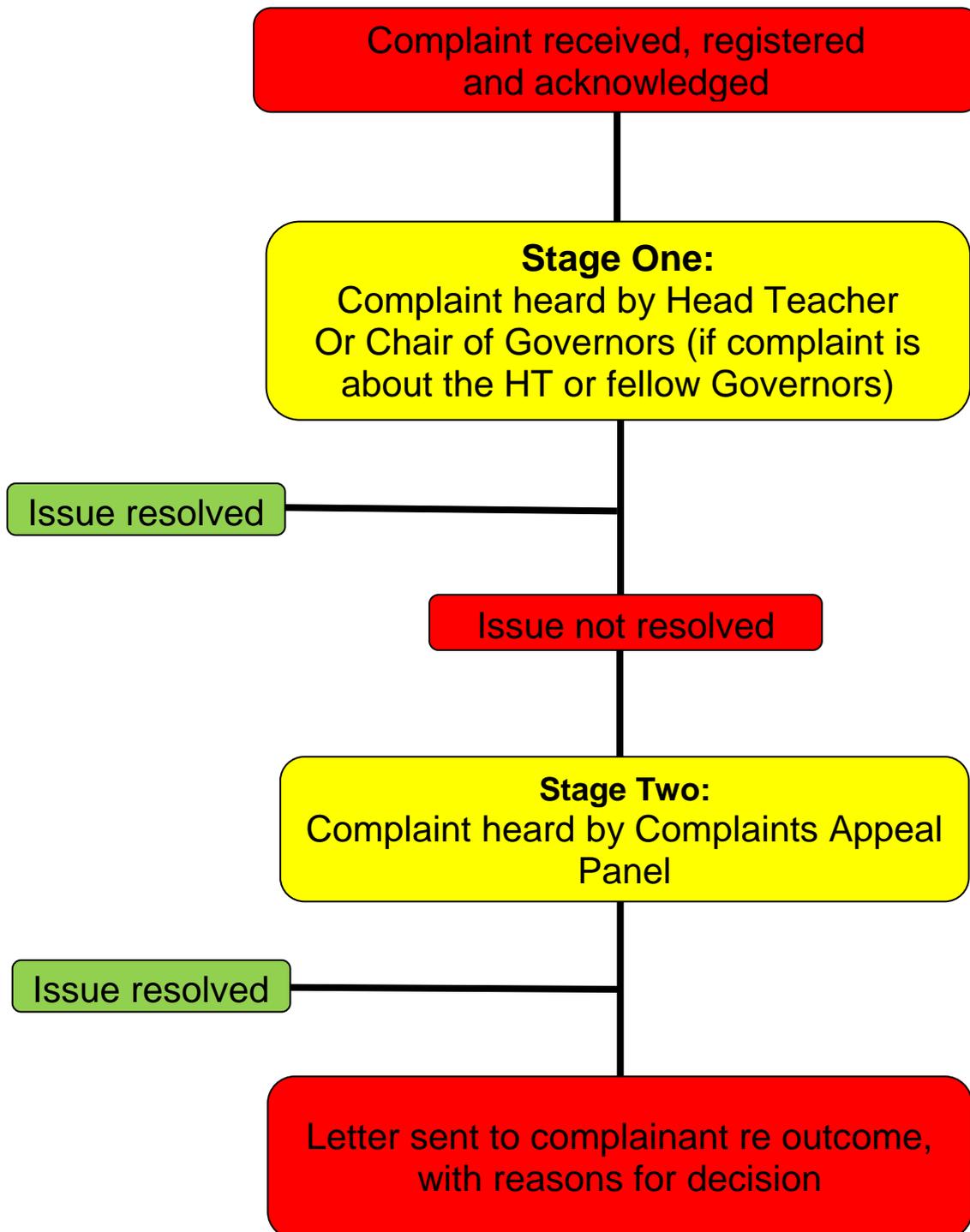
Complainants can contact the Secretary of State for Education via the DfE website www.education.gov.uk, by telephoning 0370 000 2288 or by writing to the address below:

The School Complaints Unit (SCU)
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

Please enclose with your letter to the DfE a copy of the complaint outcome. This will save time in that the DfE will not need to ask for our view of what has happened.

Flowchart Summary of Dealing with Formal Complaints at St Giles School

Please use the informal stage to raise complaints/concerns in the first instance.



Appendix One

DFE ADVICE

Serial and Persistent Complainants

Schools should do their best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where a school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, schools will need to act appropriately.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for schools to recognise when they really have done everything they can in response to a complaint. It is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond. However, schools must be careful that they do not mark a complaint as 'serial' before the complainant has completed the procedure.

Note: The Department for Education does not itself use the term 'vexatious' when dealing with serial or persistent correspondents as it could potentially be inflammatory. However, it is a recognised term. In the context of Freedom of Information (FOI) requests, the Upper Tribunal concluded that 'vexatious' could be defined as the '*...manifestly unjustified, inappropriate or improper use of a formal procedure.*' An exemption therefore exists in Section 14(1) of the Freedom of Information Act 2000. However, this exemption can only be applied to requests themselves, and not the individuals who submit them.

The decision to stop responding should never be taken lightly. A school needs to be able to say yes to all of the following;

- The school has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and their options (if any);
- They are contacting the school repeatedly but making substantially the same points each time.

The case is stronger if the school agrees with one or more of these statements;

- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone call?
- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

Appendix 2

St Giles School Complaints Form

Please complete and return to the Head Teacher or for the attention of the Chair of Governors who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

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:

If you do not want to use this form please help us by using the word 'Complaint' in the heading of your written communication. If you need any help completing this form please ask the school office and we will do all we can to help you.

Appendix 3

Complaints Not in Scope of the Procedure

Exceptions	Who to Contact
<p>Admissions</p> <p>Statutory assessments of Special Educational Needs (SEN)</p> <p>School re-organisation proposals</p> <p>Matters likely to require a Child Protection Investigation</p>	<p>Concerns should be raised directly with the Local Authority.</p> <p>For school admissions, it will depend on who is the admission authority (either school or LA).</p> <p>Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>
<p>Exclusions</p>	<p>Further information about raising concerns about exclusion can be found at; www.gov.uk/school-discipline-exclusions/exclusions</p>
<p>Whistleblowing</p>	<p>St Giles School has a Whistleblowing procedure available on request.</p> <p>Other concerns can be raised directly with Ofsted;</p> <p>Tel – 0300 123 3155</p> <p>Email – whistleblowing@ofsted.gov.uk</p> <p>In writing, to – WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD</p> <p>The DfE is also a prescribed body for whistleblowing in education.</p>
<p>Staff grievances and disciplinary procedures</p>	<p>These matters will invoke the school's internal grievance/disciplinary procedures. Complainants will not be informed of the outcome of any investigation.</p>
<p>Complaints about services provided by other providers who may use school premises or facilities.</p>	<p>Providers should have their own complaints procedure and should be contacted direct.</p>