

Dorset County Council



Complaint Policy for Schools April 2013

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Portesham Primary School

Introduction

Governing Bodies of all maintained schools and maintained nursery schools in England are required, under Section 29 of the [Education Act 2002](#) to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.

The Secretary of State has direction making powers under sections [496 and 497 of the Education Act 1996](#) and although he is not under a duty to intervene in every case that is brought to his attention, he must always consider whether, in light of the information provided to him by a complainant, he should exercise his powers.

Individuals contacting the local authority regarding a school complaint are advised to contact the school directly. The local authority can also provide advice and support to Head Teachers and governors in the operation of their complaints procedures through the Schools' Complaints Service available from April 2013.

What is a complaint?

A complaint may be generally defined as '*an expression of dissatisfaction or disquiet which requires a response*'.

Informal complaints –Portesham Primary School takes informal concerns seriously and will make efforts to resolve matters at the earliest stage possible.

Formal complaints - This formal procedure will 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.

How to make a Complaint

Formal complaints should be made in the first instance, to the Headteacher. A complaint can be made in person, in writing or by telephone and you will be asked to complete a complaints form. The Headteacher will record the date the complaint is received and will acknowledge in writing (letter or email) receipt of the complaint within 3 school days.

Who can make a Complaint?

- Parents, carers and/or children/young people attending the school.
- Parents, carers and/or children/young people who have recently attended the school. Consideration will be given to complaints lodged within six months of leaving the school.
- Members of the general public may make complaints to the school if the school is directly responsible for the issue being complained about.

<There are no grounds for referral of complaints that are not from parent/carers to the Secretary of State or any other body>.

Anonymous Complaints

The Head Teacher and Chair of Governors will determine whether the gravity of an anonymous complaint warrants its investigation.

Complaints received out of Term Time

Complaints made outside of term time will be deemed to have been received on the first school day after the holiday period.

Principles of the Procedure

An effective complaints procedure shall:-

- **Not** exclude any group with protected characteristics from making a complaint.
- Encourage resolution of problems by **informal** means wherever possible.
- Be easily **accessible** and **publicised**.
- Be **simple** to understand and use.
- Be **impartial**.
- Be **non-adversarial**.
- Allow **swift** handling with established **time-limits** for action and keeping people informed of the progress.
- Ensure a full and **fair** investigation by an independent person where necessary;
- Respect people's desire for **confidentiality**.
- Address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary.
- Provide **information** to the school's senior management team so that services can be improved (i.e. learning from feedback).
- Have due regard to the principles of the Equality Act 2010 and how they impact upon schools, parents, carers and children/young people.

Scope of this Complaint Procedure

This procedure covers all complaints with the **exceptions** listed below for which there are separate (statutory) procedures.

This policy does not cover the following issues:-

- admissions to schools;
- exclusion of children/young peoples from school;
- statutory assessments of special education needs;
- school re-organisation proposals subject to statutory procedures;
- complaints against individual members of staff in relation to their behaviour or competence, including the Head Teacher;
- matters likely to require a Child Protection Investigation;
- whistle-blowing;
- staff grievances and disciplinary procedures;
- complaints about services provided by other providers, such as contractors and other Council service units.

Complaints that have already been investigated cannot be considered again. Legal, safeguarding or disciplinary proceedings may take precedence over complaints procedures and timescales.

Concurrent Considerations

Legal, safeguarding or disciplinary proceedings may take precedence over complaints procedures and timescales.

If there is a risk that dealing with a complaint might prejudice a concurrent consideration, the complaints procedure will be suspended until the concurrent consideration is concluded. The Headteacher will write to the Complainant explaining the reason for the decision and the nature of the concurrent consideration. Once the concurrent consideration is concluded, the complaint can be investigated as appropriate.

Resolving Complaints

At each stage in the procedure, the school will want to resolve the complaint if possible. 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;
- 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.

Detailed Procedure

Stage 1 – Complaint Heard by the Head Teacher

Formal complaints should be made to the Headteacher. A complaint can be made in person, in writing or by telephone, although the complainant will then be asked to complete the official complaint form.

The Head Teacher will acknowledge the complaint within 3 school days of receipt of the completed complaint form. The acknowledgement will include a summary of the complaints procedure (unless a copy has already been given to the complainant) and a response date given. This will be within 10 school days. If this date cannot be met, the Complainant will be given an update and revised response date.

The Head Teacher should provide a formal written response to the Complainant detailing actions taken to investigate the complaint and provide a full explanation of decisions taken and the reasons for them. Where appropriate, it should include details of actions the school will take to resolve the complaint.

The Complainant should be provided with details of how to contact the Governing body if they are not satisfied with the response.

Stage 2 – Complaint Heard by the Governing Body’s Complaints Review Panel

The Complainant should write to the Chair of Governors giving details of the complaint. Complaints must have been considered by the first stage before proceeding to panel.

The Clerk to the Governors should acknowledge the request in writing within 3 school days and inform the Complainant of the right to submit any further documents or information relevant to the complaint. The panel will not consider new complaints – these will be considered at Stage 1. A deadline for submission of these documents should be given. This should be at least 5 days before the hearing.

The school will submit the Stage 1 response. The Head Teacher may also invite members of staff directly involved in matters raised by the Complainant to respond personally or in writing.

The Clerk to the Governors should convene the complaints committee elected from the Governing Body. The committee should comprise 3 or 5 governors who have had no previous involvement with the complaint. The complaint should not be heard by the entire governing body.

The Complaints Panel should set a timetable for the hearing and should notify the Complainant of this. The review hearing should be heard within 20 school days of receiving the request.

The aim of the panel should be to resolve the complaint and achieve reconciliation between the school and the Complainant if this is possible.

The hearing should be held in private. Any witnesses (other than the Complainant and the Head Teacher) should only attend for the part of the hearing in which they give their evidence. Good practice would be that at no point should the Head Teacher or the parent/carer be left with the complaint panel without the other being present.

Once the panel are satisfied that they have heard all the information they need to make a decision, the Chair of the Panel should explain to the Complainant and the Head Teacher that the committee will consider its decision and respond in writing within 15 school days. The Complainant and the Head Teacher should then leave.

The panel should then consider the complaint and all the evidence presented. The panel can:-

- Uphold the complaint, in whole or in part.
- Dismiss the complaint, in whole or in part.
- Decide on the appropriate action to be taken to resolve the complaint.
- Where appropriate, recommend changes to the school’s systems or procedures to prevent similar difficulties in the future.

A written response detailing the decisions, recommendations and the basis on which these have been made should be sent to the Complainant within 15 school days. The Complainant should be notified of the right to refer their concerns to the Department for Education if they are dissatisfied with the way their complaint has been dealt with.

Unreasonable Complainants

Portesham Primary School is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who complain and they will not normally limit the contact complainants have with the school. However, the school does not expect their staff to tolerate unacceptable behaviour and it will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The 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 can be regarded as unreasonable when the person making the complaint:-

- Refuses to 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.
- Refuses to accept that certain issues are not within the scope of a complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- 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.
- Raises numerous, detailed but unimportant questions; insisting that they are answered often immediately or to their own timescales.
- Repeatedly makes the same complaint and refuses to accept the findings of the investigation into that complaint.
- Seeks an unrealistic outcome.
- Has a history of making unreasonable complaints.
- Makes frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing and by telephone.
- Makes covert recordings of meetings.

A complaint will also be considered unreasonable if the person making the complaint does so:-

- Maliciously.
- Aggressively.
- Using threats, intimidation or violence.
- Using abusive, offensive or discriminatory language.
- Knowing it to be false.
- Using falsified information.
- Makes inappropriate comments on the internet and social networking sites.

Whenever possible, the Head Teacher or Chair of Governors should discuss the concerns with the Complainant informally before invoking the procedure. If the behaviour continues the Head Teacher should write to the Complainant explaining what behaviour is unreasonable and asking them to change it. They can also specify methods of communication and times. Any serious incident of aggression or violence the concerns and action should be put in writing immediately and the Police informed. Please also refer to the Violence at Work Policy. Schools may also seek advice from the Schools' Complaint Service.

Recording

The Headteacher will record all details of the complaint including:-

- Date of receipt.
- Action taken.
- Summary of complaint.
- Brief notes of meetings and telephone calls with the progress of the complaint.
- Ensure that the staff member subject to a complaint is informed as soon as possible.
- Any written response.
- Minutes of any meetings.
- Final outcome.
- Learning from complaints.

All functions of the complaints procedure should be mindful of the requirements of the Data Protection Act, 1998 and the Freedom of Information Act, 2000

Publicity

Details of the school's complaints procedure can be found as follows:-

- the school prospectus;
- the school website. www.portesham.dorset.sch.uk

Monitoring of the Procedure

The school will monitor the operation and effectiveness of this complaints procedure as well as how information about complaints is being used to improve services and delivery.

The Department for Education
Castle View House
East Lane
Runcorn
Cheshire
WA7 2GJ
Tel 08700 002 28
www.education.gov.uk

Schools' Complaint Service
Children's Services Directorate
West Court Wing
County Hall
Dorchester
DT1 1XJ
Tel 01305 225076
Email j.taylor@dorsetcc.gov.uk or s.j.k.turnbull@dorsetcc.gov.uk

Julie Taylor
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