

# STANLEY PARK JUNIOR SCHOOL



## Concerns and Complaints Procedure 2017

### Mission Statement

"We believe that every child and adult matters. At Stanley Park Junior School, we work together as staff, parents, carers and governors, in a fun, safe and inclusive environment. We strive to create a rich, varied and challenging curriculum that provides inspirational learning opportunities for all children as they aspire to become successful learners, confident individuals and responsible citizens with a sense of pride in themselves and their school."

**Policy agreed by Full Governing Body:**

March 2017

**Curriculum Committee:**

March 2017

**Next review date:**

February 2019

**This policy applies to all concerns and complaints other than:**

- Admissions
- Child Protection issues
- Statutory Assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Exclusions, (for further info see [www.gov.uk/schooldiscipline-exclusions/exclusions](http://www.gov.uk/schooldiscipline-exclusions/exclusions))
- Complaints about services provided by other providers who may use school premises or facilities.
- Whistleblowing
- Staff grievances and disciplinary procedures

This policy is written in accordance with Section 29 of the Education Act 2002

**AIMS:**

The aim of this policy is to ensure that a concern or complaint is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote parents' and pupils' confidence in our ability to safeguard and promote welfare.

We will try to resolve every concern or complaint in a positive way with the aim of resolving the issue in a transparent manner and putting right a matter which may have gone wrong and where necessary, reviewing our systems and procedures in the light of circumstances. Complaints from people who are not parents will follow the same procedures in this policy.

We intend that no-one should ever feel - or be made to feel - that a complaint will be taken amiss or will adversely affect a pupil or his/her opportunities at our school.

The policy, however, distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require further investigation.

We are 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.

**Timescales**

We aim to resolve any complaints in a timely manner. Timescales for each stage of the Complaints Procedure are set out below in the relevant paragraphs. For the purposes of this policy, a "working day" is defined as a weekday during term time, when the school is open. The definition of "working day" excludes weekends and Bank Holidays. For the avoidance of doubt, term dates are published on the School's website, and information about term dates is made available to parents and students periodically.

## **Stage 1 : Informal Complaints**

### **1) Concerns and Difficulties**

At Stanley Park Junior School we expect that most concerns can be resolved informally. All concerns will be taken seriously and kept confidential. At SPJS we have an "open door" policy, whereby we encourage parents to come into school and talk to us about any questions or concerns they may have. We anticipate that this approach will sort out any issues to your satisfaction before they escalate. We need to know as soon as possible if there is any cause for dissatisfaction.

**1.1)** You should initially share your concern with your child's class teacher. If your complaint is not in relation to a child (i.e. premises concern) please contact the school office staff in the first instance.

Class Teachers are available for a quick informal chat between 8.30am and 8.45am and end of the school day when they bring children into the playground. If you would like an appointment with your child's teacher, to discuss any matter in more detail, please leave a message in the School Office or put a note in your child's home/school book.

If you are not happy with the response or it's not appropriate go to 1.2

**1.2)** Share concern with the Year Leader - they can be contacted in the same way as class teachers.

If you are not happy with the response or it's not appropriate go to 1.3

**1.3)** Contact a member of the Senior Leadership Team (Mrs Lamy (Headteacher) Mrs Burridge (Deputy Head), Mrs Quigley (Assistant Head) or Mrs Haldane (School Business Manager))

We will ensure that informal concerns are resolved within 7 working days of being raised. All concerns will be recorded by the member of staff on a yellow contact form and shared with SLT

### **2) Unresolved Concerns**

Occasionally, despite the best efforts of both parties, these discussions do not resolve the concern, which then may be a complaint. The complainant will be asked to confirm in writing to the headteacher (see appendix A: Complaint Form) The headteacher will copy relevant papers to any members of staff named in the complaint.

The headteacher has the right of written reply to the written complaint or may organise an informal meeting. If this is not resolved the complaint will move to a formal complaint.

Any concerns should be raised as soon as possible after the event.

## **STAGE 2: Formal Complaint**

### **3) Notification**

We hope that any concerns can be addressed informally as set out above. However, if you still feel that matters have not been resolved to your satisfaction, then you will be advised to approach the Governing Body through the Chair of Governors.

You should set out in writing with full details for the attention of the Headteacher or the Chair of the Governors as appropriate (complaints regarding the Head Teacher should go to the Chair of Governors)

Should a member of staff receive a formal written complain, this will be immediately passed to the headteacher or the Chair of Governors.

### **4) Acknowledgement**

The complaint will be acknowledged in writing normally within 3 working days of receipt during term time and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.

### **5) Investigation and resolution**

The headteacher may deal with the matter personally or delegate a senior member of staff to act as investigating officer. The investigating officer may request additional information from the complainant and will fully investigate the issue. In most cases it will usually involve a meeting with the headteacher, Chair of Governors and yourself to resolve the problem.

### **6) Outcome**

The aim is to inform any complainant of the outcome of an investigation and the resolution to the complaint within 15 working days from the receipt of the complaint.

### **7) Record of complaints**

Written records will be kept of any meetings and interviews held in relation to the complaint.

### **8) Unresolved Complaints**

If the matter is not resolved, the issue will be taken to the "Complaints about the Curriculum and Other matters" committee of the Governing Body. The Chair does not sit on the panel, due to their previous involvement in the matter.

**Stage 3 - Complaint heard by the "Complaints against the Curriculum and other matters" Committee**

### **9) Request** A request for a complaint to be heard by a Complaints Committee (an appeal) must be made in writing addressed to the headteacher within ten working days of the date of the school's decision made at Stage 2.

## **10) Acknowledgement**

Where an appeal is received the head will, within three working days, refer the matter to the Clerk of the FGB who will act as Clerk to the Complaints Committee. The Clerk will acknowledge, in writing, receipt of the appeal within (three) 3 working days and inform the complainant of the steps involved in the process. The Clerk will be the contact point for the complainant.

## **11) Hearing**

The clerk will aim to convene a Complaints Committee Panel hearing as soon as possible, normally no later than 20 working days after receipt of the Stage 3 request.

## **12) Panel Membership**

The Panel will consist of three Governors who have not previously been involved in the complaint. In deciding the make-up of the Panel, Governors need to try and ensure that it is a cross-section of Governors and sensitive to the issues of race, gender and religious affiliation. The Panel will select its own Chair.

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

The Panel can:

- 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 systems or procedures to ensure that problems of a similar nature do not recur.

The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. The panel chair will ensure that the proceedings are as informal as possible

## **14) Attendance**

The following are entitled to attend a hearing, submit written evidence and address the Panel:

- the parents/carers and/or one representative;
- the Head Teacher/Chair of Governor and/or one representative;
- any other person who the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision making

It is not appropriate for a child/pupil to attend.

In the event of either party not attending the meeting, the chairperson has discretion to proceed or to adjourn at any stage.

## **15) Evidence**

All parties will be given the opportunity to submit written evidence to the Panel in support of their position including:

- documents;

- chronology and key dates;
- written statements setting out further detail.

The evidence will be considered by the Panel along with the initial submission. All written evidence must be received by the Clerk no later than (five) 5 working days in advance of the Panel Hearing. The Clerk will distribute the evidence to all parties no later than (three) 3 working days in advance of the Panel Hearing

## **16) Roles and Responsibilities**

All panels considering complaints must be clerked. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decisions.

**The Role of the Chair of Governors or Nominated Governor:**

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel.

**The Chair of the Panel has a key role, ensuring that:**

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents or 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;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

## **17) Decision**

The Panel will reach a decision, and make any recommendations within ten (10) working days of the hearing. The decision reached is final.

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

The Panel's findings will be sent, in writing, by the Clerk, to the parents/carers, the Governors involved and the Head Teacher and where relevant, to the person complained about. The letter will state the reasons for the decision reached and any recommendations made by the Panel.

## **19) Record Keeping**

The school will keep a record of all appeals, decisions and recommendations of the Complaints Panel.



## Appendix A - Complaint Form

Please complete and return to the school, marked 'Private & Confidential', and for the attention of the Headteacher who will acknowledge receipt and explain the complaints process.

Your name:	
Relationship to the school (e.g. parent of a pupil):	
Pupil's Name (if applicable):	
Your relationship to the pupil (if relevant):	
Your Address	
Telephone Number (day):	
Telephone number (evening):	
<b>Please give brief details of your complaint including dates, names of witnesses, etc. to allow the matter to be fully investigated:</b>	
<b>What action, if any, have you already taken to try to resolve your complaint? (For instance, who have you spoken with or written to and what was the response?):</b>	
<b>What actions do you feel might resolve the problem at this stage?</b>	
<b>Are you attaching any paperwork? If so, please give details:</b>	

Signature: \_\_\_\_\_ (Complainant) Date: \_\_\_\_\_

## **Appendix B - Checklist for a Panel Hearing**

1. The hearing is as informal as possible
2. Witnesses are only required to attend for the part of the hearing in which they give their evidence
3. Apologies
4. Share the order of the procedure
5. After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses
6. The Head Teacher may question both the complainant and the witnesses after each has spoken 7. The Head Teacher is then invited to explain the school's actions and be followed by the school's witnesses
8. The complainant may question both the Head Teacher and the witnesses after each has spoken 9. The panel may ask questions at any point
10. The complainant is then invited to sum up their complaint
11. The Head Teacher is then invited to sum up school's actions and response to the complaint
12. Summing up by the Chair person
13. Both parties leave together while the panel decides on the complaint. Either - uphold complaint in part or full, dismiss it
14. The chair explains that both parties will hear from the panel within a set time-scale, and that their decision is final.
15. Inform the complainant and the headteacher of the governing body's decision
16. Confidentiality: to consider whether any items are confidential and should therefore not be available to persons wishing to inspect governing bodies papers.

## **Appendix C Policy on unacceptable behaviour**

SPJS recognises that it is the last resort for complainants. They also have a duty to ensure the safety and welfare of pupils, parents and staff.

Governors are committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service it would not normally limit the contact complainants have. However the Governors do not expect the school's staff to tolerate behaviour by complainants, which is unacceptable, for example, which is abusive, offensive, or threatening, and it will take action to protect staff from that behaviour.

### **Unacceptable actions and behaviours**

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which academies/schools often find problematic. It is by no means an exhaustive list and local factors may vary, but these are examples that frequently come to our attention:

- foul and abusive language towards staff, other parents and pupils;
- behaviour that staff consider to be harassing and intimidating, including in person, over the telephone, or any other type of communication;
- undermining school policies by actively encouraging pupils to ignore staff requests;
- making unnecessarily excessive demands on the time and resources of staff, by for example excessive telephoning or sending emails to numerous staff, writing lengthy complex letters every few days and expecting immediate responses;

- combinations of some or all of these.

The decision to restrict access to the school will be taken by the Headteacher. Any restrictions imposed will be appropriate and proportionate. The options most likely to be considered are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their conduct.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable, what action we are taking and the duration of that action.

Where a complainant continues to behave in a way which is unacceptable, we may decide to terminate contact with that complainant and discontinue any investigation into their complaint. However the Governors will seek to limit any detriment to any pupils who attend the school, as far as is reasonable within these circumstances e.g. access to parents evenings, newsletters, and any other correspondence.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the school's staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

## **Appendix D Policy on unreasonably persistent complainants**

The Governors recognise that it is the last resort for complainants. It is also accountable for the proper use of public money and must ensure that that money is spent wisely and achieves value for complainants and the wider public.

The Governors are committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service it does not normally limit the contact complainants have with the school. However there are a small number of complainants who, because of their frequent contact with the school, hinder consideration of their or other people's complaints. Such complainants are referred to as 'unreasonably persistent complainants' and, exceptionally, the Head Teacher will take action to limit their contact with the school.

### **Actions and behaviours of unreasonable and unreasonably persistent complainants**

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which schools often find problematic. It is by no means an exhaustive list and factors may vary, but they are examples that may come to our attention:

- refusing to specify the grounds of a complaint, despite offers of assistance with this from the school's staff;
- refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope;
- insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced;

- changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage;
- introducing new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed questions which are particularly time consuming and costly to respond to and insisting they are all fully answered;
- electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved;
- adopting a 'scattergun' approach: pursuing a complaint or complaints with the school and, at the same time, with a Member of Parliament/a councillor/the authority's independent auditor/the Local Authority/local police/solicitors/the Ombudsman/Ofsted;
- making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous members of staff, writing lengthy complex letters every few days and expecting immediate responses;
- submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure;
- refusing to accept the decision - repeatedly arguing the point and complaining about the decision;
- combinations of some or all of these.

The decision to restrict access to the school will be taken by the Head Teacher and will normally follow a prior warning to the complainant. Any restrictions imposed will be appropriate and proportionate. The options we are most likely to consider are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their future contacts with us.

In all cases where we decide to treat someone as an unreasonably persistent complainant, we will write to tell the complainant why we believe his or her behaviour falls into that category, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it. If we decide to carry on treating someone as an unreasonably persistent complainant and we are still investigating their complaint six months later, we will carry out a review and decide if restrictions will continue.

Where a complainant whose case is closed persists in communicating with us about it, we may decide to terminate contact with that complainant. In such cases, we will read all correspondence from that complainant, but unless there is fresh evidence which affects our decision on the complaint we will simply acknowledge it or place it on the file with no acknowledgement.

New complaints from people who have come under the unreasonably persistent complainant's policy will be treated on their merits.