

STANLEY PARK JUNIOR SCHOOL



Concerns and Complaints Procedure

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 Governors:
Next review date:

March 2021
March 2023

SCOPE

This policy applies to all concerns and complaints apart from those relating to:

- Admissions
- Child Protections issues
- Statutory Assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Exclusions, (for further info see 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
- National Curriculum - content

This policy is written with regard to the model complaints policy issued by the Department for Education of March 2019.

AIM

The aim of this policy is to ensure that a concern or complaint is managed sympathetically, efficiently and at the appropriate level, and is resolved as swiftly 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 manage every concern or complaint in a positive way with the aim of resolving the issue in a transparent manner, putting right matters 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 or carers will follow the same procedures in this policy.

We intend that no-one should ever 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 distinguishes between a concern or difficulty which can be resolved informally, and a formal complaint which will require further investigation.

A concern may be defined 'an expression of worry or doubt over an issue considered to be important and for which reassurances are sought.'

A complaint may be defined as 'an expression of dissatisfaction, however made, about actions taken or a lack of action'.

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 behaviour which we deem to be abusive, offensive

or threatening. Further information can be found in Appendix C (Policy on unreasonable behaviour) and Appendix D (Policy on unreasonably persistent complainants).

Anonymous complaints

We will not normally investigate anonymous complaints. In exceptional circumstances, the Headteacher or Chair of Governors, will determine whether an anonymous complaint warrants an investigation.

Duplicate complaints

For the purpose of this policy, "duplicate complaints" are identical complaints received from a complainant's spouse, partner, grandparent or child. These complaints will not be addressed again, the individual making the second complaint will be informed that the complaint has been dealt with on a local level and if they are dissatisfied with the result, they can appeal to the DfE. Any new details provided by a complainant's spouse, partner, grandparent or child, will be investigated and dealt with in line with the complaints procedure

Complaint Campaigns

For the purposes of this policy, "complaints campaigns" are where the school receives large volumes of complaints that are all based on the same subject or from complainants unconnected with the school. The Governing Body/Headteacher will look at the complaint in detail to see if there are any aspects that have not previously been considered. The new complainant/s will be informed that the school has already considered that complaint and the local process is complete. The school will consider one of these two options:

- Sending a template response to all complainants
- Publish a single response on the school website.

The complainant will be asked to contact the department of Education if they are dissatisfied with the school's handling of the original complaint.

Timescales

You must raise the concern or complaint within three months of the incident or, where a series of associated incidents has occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame only if exceptional circumstances apply.

We aim to resolve any complaints in a timely manner. Timescales for each stage of the Concerns and Complaints Procedure are set out below in the relevant paragraphs. For the purpose 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.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first "working day" after the holiday period.

Stage 1: Informal Concerns or Difficulties

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) In the first instance, you should share your concern with your child's class teacher. If your complaint is not in relation to a child (for example a concern about premises) please contact the school office staff.

Class Teachers are available for a brief, 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 with the school office staff 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 aim to 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 the Senior Leadership Team.

STAGE 2: Unresolved Concerns - Formal Written Complaint to the Headteacher

Occasionally, despite the best efforts of all parties, these discussions do not resolve the concern and you may wish to make a formal complainant. In this case, you will be asked to confirm the nature of your complaint in writing to the Headteacher.

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 working days.

Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome you would like to see. The Headteacher will consider whether a face-to-face meeting is the most appropriate way of doing this. This meeting may or may not include the Chair of Governors.

Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

At the conclusion of their investigation into your complaint, the Headteacher will provide a formal written response within 15 school days of the date of receipt of the complaint. If the Headteacher is unable to meet this deadline, they will provide you with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions SPJS will take to resolve the complaint.

If the complaint is about the Headteacher or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1. Complaints about the Headteacher or member of the governing body must be made to the Clerk, via the school office.

STAGE 3: Formal Complaint to the Chair of Governors (see Appendix A: Complaint Form)

We hope that any concerns or complaints can be resolved through the procedures laid out in Stages 1 and 2. However, if you 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.

A request to escalate your complaint to Stage 3 must be made within 5 school days of receipt of the Stage 2 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

You should set out your complaint in writing (using appendix A) for the attention of the Chair of the Governors. Your complaint will be considered by the complaints committee of the governing body, which will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure.

The Chair of Governors will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

The Clerk to the governing body will write to you to inform you of the date of the meeting of the complaints committee. The committee will decide whether to deal with the complaint by inviting all involved parties to a meeting or to consider it through written representations. In making their decision they will be sensitive to your needs.

If you are invited to attend the meeting, you may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting; however, there may be occasions when legal representation is appropriate. For example, if a school employee is called as a witness they may wish to be supported by a trade union and/or legal representative.

The complaints committee will aim to convene a meeting within 20 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep you informed.

If you reject the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in your absence on the basis of written submissions from both parties.

The complaints committee will consist of at least three governors with no prior involvement in or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as Chair of the Complaints Committee. If there are fewer than three governors from Stanley Park Junior School available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3 if the complaint is jointly about the Chair and Vice Chair, the entire governing body or the majority of the governing body.

Note: Complaints about staff conduct will not usually be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with complainants.

Representatives from the media are not permitted to attend.

At least six school days before the meeting, the Clerk will:

- confirm and notify you of the date, time and venue of the meeting, ensuring that, if you are invited, the dates are convenient to all parties and that the venue and proceedings are accessible.

At least four school days before the panel hearing, the Clerk will:

- from all parties request any further written material to be submitted to the committee in support of their position.

No later than 2 working days in advance of the panel meeting the clerk will:

- circulate all the written evidence to all parties
The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- 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 issues in the future.

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.

Outcome of Stage 3

The Chair of the Committee will provide you and Stanley Park Junior School with a full explanation of their decision and the reason(s) for it, in writing, within **ten school days** of the complaints committee. The decision reached is final. The school will also circulate the minutes of the committee meeting to both parties.

Record Keeping

- The school will keep a record of the meeting, decisions and recommendations of the Complaints Panel. The school need not respond if a complainant raises again an issue that has already been taken through the complaints procedure.
- It is usual for all documents relating to a complaint to be kept confidential.

Next Steps

If you believe Stanley Park Juniors School did not handle your complaint in accordance with the published complaints procedure, or if you believe they acted unlawfully or unreasonably in the exercise of their duties under education law, you can refer your complaint to the Department for Education.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Stanley Park Junior School. They will consider whether

Stanley Park Junior School has adhered to education legislation and any statutory policies connected with the complaint.

You can refer your complaint to the Department for Education online at:
www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education

Piccadilly Gate

Store Street

Manchester

M1 2WD.



Appendix A - Complaint Form

Please complete and return to the school, marked 'Private & Confidential', and for the attention of the Chair of Governors 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):		
Please give brief details of your complaint including dates, names of witnesses, etc. to allow the matter to be fully investigated:		
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?):		
	Yes/No + Date	Who dealt with it?
Have you been through stage 1 of the complaints policy (shared informally with class teacher/year leader/SLT)?		
Have you been through stage 2 of the complaints policy (written to the Headteacher to share your complaint)?		
Please add any extra details here:		
What actions do you feel might resolve the problem at this stage?		

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

Signature: _____ (Complainant) Date: _____

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

APPENDIX B: Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
- sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
- interviewing staff and children/young people and other people relevant to the complaint
- consideration of records and other relevant information
- analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator (this could be the Headteacher / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
- sharing third party information
- additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

Clerk to the Governing Body

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
 - set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
 - collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
 - meet and welcome the parties as they arrive at the hearing if one is held in person
 - Record/clerk the proceedings
 - circulate the minutes of the meeting
 - notify all parties of the committee's decision.
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- **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.

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person

- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR. If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so. No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant.
- the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting. Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated. The committee should respect the views of the child/young person and give them equal consideration to those of adults. If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.

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.