

# Emersons Green Primary School



## CONCERNS AND COMPLAINTS POLICY and PROCEDURE

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## **Equality Statement**

At Emersons Green Primary School we are committed to ensuring equality and opportunity to all members of our school community. In regard to safeguarding, the school always aims to ensure that no one is treated less favourably than anyone else. The Equality Act 2010 defines these responsibilities. In regard to this, this Policy, including all of its procedures and systems will have due regard to:

- Eliminating discrimination and other conduct prohibited by the Equality Act
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it
- Be aware of this duty to have due regard when making decisions or taking action in order to assess whether that action will have implications for people with protected characteristics
- Consider equality implications before and at the time that this policy is developed and reviewed and keep these implications under review on a regular basis

It is unlawful to discriminate in the following areas, termed protective characteristics. (all Safeguarding policies, procedures, systems and actions must take this into account):

- Age
- Disability
- Gender
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or Belief
- Sexual orientation

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A complaint may be made to the Secretary of State for Children, Schools and Families if a person believes that a Governing Body or Local Authority is acting “unreasonably”, or is failing to carry out its statutory duties properly. However, intervention can only occur if the Governing Body has failed to carry out a legal duty or has acted unreasonably in the performance of a duty. Intervention would have to be expedient in the sense that there would have to be something that the Secretary of State could instruct either party to do to put matters right. The Secretary of State must be satisfied that a decision is unreasonable in the sense that no reasonable authority or governing body, acting with due regard to its statutory responsibilities, would have reached that decision. The Secretary of State cannot do anything until the school has finished looking into the complaint. Any appeals should be made using the on-line form on the DfE website.....	
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ANY concerns about possible child abuse should not be dealt with as a complaint but MUST be reported to First Point on 01454 86 6000 or email: <a href="mailto:FirstPoint@southglos.gov.uk">FirstPoint@southglos.gov.uk</a> . If it is out of office hours then concerns should be raised with the Emergency Duty Team on 01454 615165 or the Police on 999.	
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## Concerns and Complaints – Introduction

In accordance with Section 29 of the Education Act 2002, Emersons Green Primary School must have and make available a procedure to deal with any complaints relating to the school and to any community facilities or services provided by the school.

We aim to work in partnership with parents in the best interests of the children. Any complaint will be given careful consideration and will be dealt with fairly and honestly, respecting confidentiality and providing an effective response to all points of issues.

We will provide sufficient opportunity for any complaint to be fully discussed, and aim to resolve it through open dialogue and mutual understanding.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues are, however, resolved informally without the need to invoke formal procedures as described in the section below.

This policy will be made available on the school website and will be subject to annual review by the Governing Body.

## Actions Before Making Any Complaint

### Raising Concerns

Our complaints procedure is not intended to replace the normal informal discussions which take place between parents, staff and the Headteacher on problems and concerns as they arise. Most issues can be resolved through this dialogue.

Concerns (an expression of worry or doubt over an issue considered to be important for which reassurances are sought<sup>1</sup>) therefore do not need to invoke the complaints procedure and can be presented through informal discussions, completion of a RICK (Recognition Information Concern Knowledge) form – Annex A; or through writing to the Headteacher or Chair of Governors.

These concerns might include such matters as your child's work or progress, relations with staff, relations with other pupils including bullying, or your child's personal welfare. The school will take all informal concerns seriously and make every effort to resolve the matter as quickly as possible.

The first point of contact regarding concerns should always be the class teacher. Appointments to see the class teacher are available after school and may be made via the office. Teachers may have involvement with clubs or staff meetings after school, so may not always be available at short notice but will endeavour to respond as soon as they can.

When raising concerns, the class teacher or other member of the school staff may need time to perform an investigation or put corrective measures in place and then determine their effectiveness. This informal stage may also require several meetings to reach a conclusion

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<sup>1</sup> As defined in Department for Education Best Practice Advice for School Complaints Procedures 2016

satisfactory to all parties, discuss desired actions for the school and parent, timescales, and further meetings.

If a parent feels that a concern has not been solved through discussions with the class teacher, or that it is of a sufficiently serious nature, then an appointment to discuss it with the Headteacher can be made. The parent should indicate that the appointment is regarding a complaint.

### Complaints Not Covered by This Policy

The majority of formal complaints against the school will fall within the remit of the Governing Body to consider. However, there are six categories of complaint for which there are separate procedures and the Local Authority will usually become involved.

- Admission to the school
- Statutory Assessment of special educational needs
- Exclusion of pupils from the school<sup>2</sup>
- Concerns or allegations against staff or volunteers
- Child protection related issues or allegations of child abuse
- Any complaint about the action of the Governing Body

In any of these six categories, the school will advise you of the procedure for your complaint.

Complaints about services provided by other provider who use school premises or facilities should be directed to the provider and their complaints procedures followed.

Staff grievances and disciplinary procedures may be invoked as a result of a complaint. Complainants will not be informed of the outcome of these investigations.

## **Submitting a Complaint**

### General Principles Regarding Any Complaint

Complaints will only be accepted if they have exhausted the informal routes for raising concerns or are sufficiently serious as to require formal procedures to commence immediately.

The following principles will apply to any complaint:

- The complaint will be handled with care and sensitivity
- All stages of the complaints procedure will be investigatory rather than adversarial
- Confidentiality will be respected at all times
- Responses to any complaint will be prompt (timescales are detailed below)
- The Complainant will be given adequate feedback and kept informed of timescales

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<sup>2</sup> Further information about raising concerns about exclusion can be found at: [www.gov.uk/school-discipline-exclusions/exclusions](http://www.gov.uk/school-discipline-exclusions/exclusions).

- The Complainant will be kept informed of the options to appeal during the process
- Any investigation will be thorough and fair
- Any investigation will address all the points at issue

If any Governor is contacted directly by a parent regarding a complaint then that Governor will refer the parent to this complaints procedure. Individual Governors cannot act unilaterally by investigating a complaint or making any prior judgement about it. The Governor can only refer the parent to the class teacher, the Headteacher or the Chair of Governors as appropriate.

If the complaint is one that may result in disciplinary or legal action against the Headteacher, or the complaint is regarding the Headteacher, then the complaint should immediately be escalated to Stage 1b via the Complaints Form to the Chair of Governors as described below.

If at any stage of a complaint it becomes apparent that the Complainant is seeking some sort of financial compensation then any investigation will be halted whilst advice is sought from the Local Authority Risk and Insurance Manager.

If an anonymous complaint is received, or the Complainant requests anonymity, then the Complainant will be urged to identify themselves in the interests of fairness and of dealing effectively with the complaint. Typically, an anonymous complaint will not be investigated, however if the anonymous complaint is of a sufficiently serious nature then the Headteacher or Chair of Governors will decide whether action is appropriate. If an anonymous complaint raises child protection issues then the complaint will be referred immediately to the Local Authority.

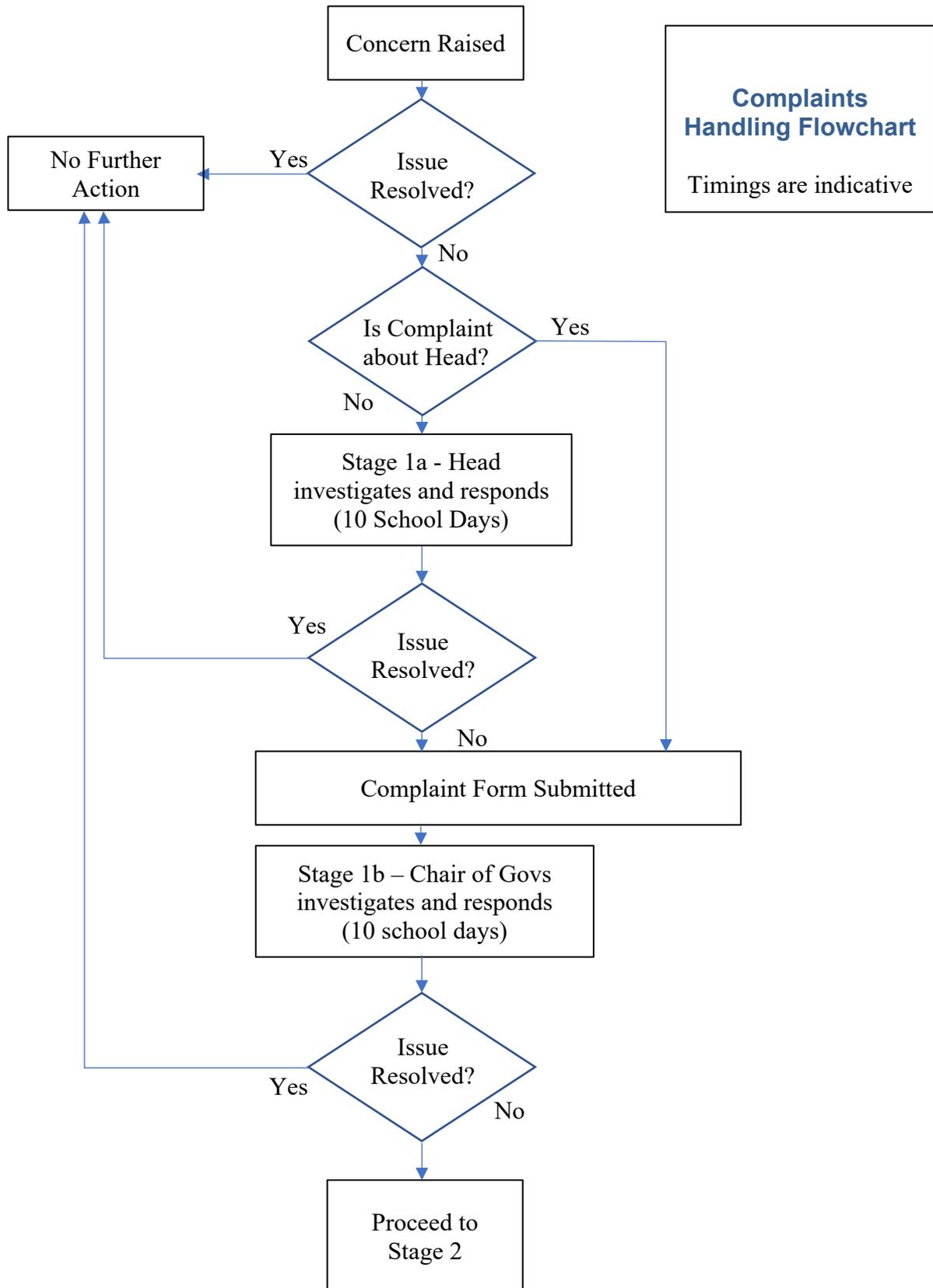
The Complainant should not attempt to bypass steps in the complaints procedure. Escalation to the Local Authority or Secretary of State levels before the formal school procedures have been exhausted will result in the Complainant being referred back to the schools procedure by those bodies.

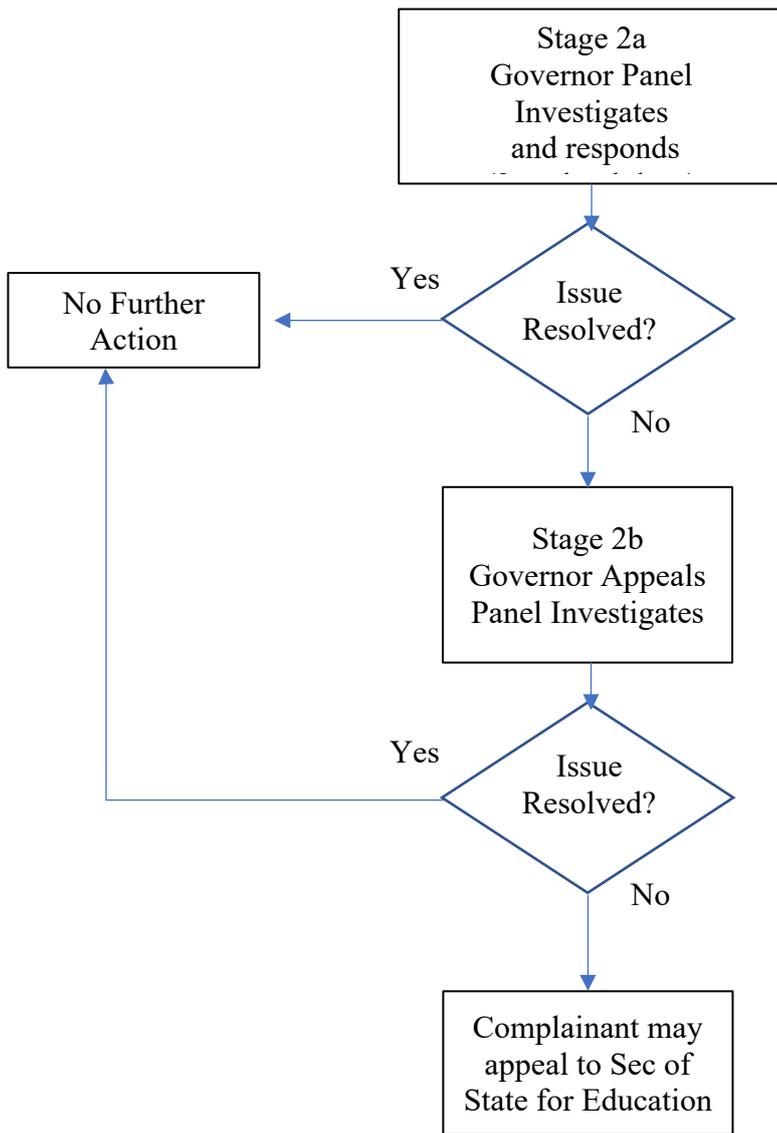
#### Who Can Submit a Complaint

Any person, including members of the general public, may make a complaint about any provision of facilities or services that the school provides, unless separate statutory procedures apply (such as exclusions or admissions).

Anyone submitting a complaint is hereafter referred to as the complainant and roles and responsibilities in the process are defined further in Appendix 2. An anonymous complaint will not be investigated unless there are exceptional circumstances such as child protection or bullying allegations where the school may need to involve an external agency to investigate.

The following flowchart provides an overview of the process.





## Stage 1 - Informal Investigation

### a) Complaint handled by the Headteacher

If a parent feels that a concern has not been solved through discussion with the class teacher, or that it is of a sufficiently serious nature, then an appointment to discuss it with the Headteacher should be made. The parent should indicate that the appointment is regarding a complaint.

If the Headteacher cannot resolve the complaint at the initial meeting then the school may carry out an investigation of the complaint. It will be the Headteacher's responsibility to decide who should conduct the investigation. This may be the Headteacher or may be a member of the Senior Leadership Team, especially if there is the likelihood of a personnel issue emerging from the investigation.

The investigation will be completed within **10 school days** and a follow on meeting held with the parent to discuss the results of the investigation. Further meetings may be held as required if both parties agree that the concern may be resolved by subsequent meetings, whilst still at the informal level.

The Headteacher will make written notes of any informal complaint. The notes will include details of the complaint, how it was dealt with, by whom and the outcome. In the event of the complaint proceeding to the formal stage, these notes will be made available to the Complaints Panel.

If discussions between the Headteacher and the Complainant prove fruitless, and the issue cannot be resolved to the Complainant's satisfaction, then the Headteacher will advise the Complainant that they can contact the Chair of Governors for them to try and resolve any issues or that they may make a formal complaint to the Governing Body, by putting the complaint in writing (using the Complaints Form) to the Chair of Governors **within 15 school days**.

### b) Initial Investigation by the Chair of Governors

**If the complainant decides to proceed to Stage 1b and/or Stage 2 they must submit their complaint on the Complaints Form (Appendix 3). This must be completed as fully as possible to allow the Chair of Governors and any Governor panel to have a clear understanding of the concerns to be addressed and the action the complainant would like the school to take.**

If the informal review has not resolved the complaint or the complaint is about the Headteacher, the complainant will be asked to submit a complaint.

The Chair of Governors will conduct an informal investigation and may be assisted by another governor or suitably independent person. The Chair of Governors may decide it is necessary to move straight to Stage 2 for some complaints.

The investigation will be completed within **10 school days** and a follow on meeting may be held with the parent to discuss the results of the investigation if required. Further meetings may be held if both parties agree that the concern may be resolved by subsequent meetings,

whilst still at the informal level. The Chair may call for certain action to be taken by the school or the complainant.

The Chair will make written notes of any informal complaint. The notes will include details of the complaint, how it was dealt with, by whom and the outcome. In the event of the complaint proceeding to the formal stage, these notes will be made available to the Complaints Panel.

If this informal review cannot resolve the issue to the complainant's satisfaction, the Chair will advise that a Governors' complaints panel will be set up and the complaint form – if not already submitted – will need to be completed.

## **Stage 2 (Formal) – Governing Body**

When the Chair of Governors has received a formal complaint, a panel of two or three Governors will be convened to hear the complaint, and make a decision about it on behalf of the Governing Body. The Governors appointed to the panel will have had no previous involvement in the complaint. If the Chair has investigated at Stage 1, he/she will not be able to sit on the panel, nor will any other governor involved at that stage.

If the whole governing body is aware of the substance of a complaint, the school could arrange for an independent panel to hear the complaint. The complainant may also request an independent panel if they feel there is likely to be bias in the proceedings. Such a request will be considered by the school but ultimately the decision is made by the governors.

The primary function of the Complaints Panel is to decide on the merits or otherwise of the complaint. However, the panel will also play an important role in attempting to resolve the complaint. The panel will reach a decision on whether the complaint is upheld or rejected and may call for certain action to be taken by the school or the complainant.

The Complaints Panel will invite written evidence from all parties to the complaint. Any written evidence will be circulated to all parties prior to any meetings. The Complaints Panel will then meet with all parties to the complaint, formally and separately. Each party may be accompanied by a friend who can speak on their behalf if necessary and by invitation. All parties will be given a fair opportunity to express their point. The procedure for each meeting will be as follows (practicalities may mean the panel will not necessarily follow the sequence exactly).

- Introductions will be performed by the Chair of the Complaints Panel
- The Complainant makes a statement of their complaint and the outcome sought
- The panel will question the Complainant
- The Complainant may make a final statement
- The school and/or any witnesses will make a statement on the circumstances that have led to a complaint.
- The panel will question the school representative and any witnesses

The meetings will be minuted – normally by the Clerk to the Governors. If not available, an alternative clerk can be appointed but consideration will be given to the sensitivity of the

particular complaint eg it may not be appropriate for a member of school staff to take on the role.

The decision reached by the panel will be notified in writing to the Complainant and any subject(s) of the complaint. It will also be reported back to the next meeting of the full governing body. Only a brief summary to the full governing body will be provided, with no detailed or named information. This will ensure that any further actions will not be jeopardised.

Written replies to Complainants will aim to answer all the points of concern, be factually correct, avoid jargon, and tell the Complainant what to do next if they are still not satisfied. It may be appropriate for the nominated complaints governor to telephone the Complainant regarding the outcome. However this will always be followed up with a letter to make sure there is no misunderstanding.

When a formal complaint is received by the Chair of Governors a letter of acknowledgement and a request for written evidence will be sent to the Complainant **within 10 school days**. All other parties to the complaint will receive a letter outlining the complaint and requesting written evidence. The letters will detail the Governors involved in the Complaints Panel and the nominated Chair. Any written evidence should be sent to the nominated Chair of the Complaints Panel. The panel will convene the complaints meetings as soon as is practically possible after the receipt of all written evidence, at mutually acceptable times. Following the conclusion of the complaints meetings with all parties, the panel will provide a written response to the complaint within **15 school days**.

Any investigation will be restricted to the substance of the complaint – any attempt to introduce issues not related to the complaint or not included in the complaint form will not be allowed.

The reports of any investigations will usually be confidential to the school should it contain personally sensitive information.

N.B - Where it is not possible to respond to a complaint within the stated timescales, the Complainant will be informed in writing of the reason for the delay and given an anticipated response date.

### **Stage 3 (Formal) – Appeal To the Secretary Of State**

If the complaint has completed the procedures described above and the complainant remains dissatisfied, they have a right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body have acted unlawfully or unreasonably and where it is expedient and practical to do so.

If the School Complaints Unit actioning on behalf of the Secretary of State believe the school has not handled a complaint in accordance with its procedures, it may request that the school reviews the complaint again – i.e. returning to Stage 2

Any appeals should be made using the on-line form on the DfE website.

## **Child Protection**

**ANY** concerns about possible child abuse should not be dealt with as a complaint but **MUST** be reported to Access and Response Team on 01454 86 6000 If it is out of office hours then concerns should be raised with the Emergency Duty Team on 01454 615165 or the Police on 999.

## **Monitoring and Review**

The Governing Body will review this complaints policy on every 3 years. The Headteacher will log all formal complaints received by the school and will record how they were resolved.

Governors will examine the complaints log on an annual basis and will consider the need for any changes to the procedure.

## **Staff Disciplinary Procedures**

It may be necessary to suspend the complaints procedure in respect of a complaint which indicates that there may be a need for disciplinary action to be taken against a member of staff. The decision to suspend the complaints procedure will be taken when it has been established that there may be a case to answer. In this instance the advice of the Local Authorities Human Resources department will be sought.

The Complainant will be notified that the complaints procedure has been suspended and the likely timescale for its reactivation. The resolution of the complaint will be notified to the Complainant at the conclusion of any disciplinary proceedings. However the details of any disciplinary proceedings will not be released to the Complainant.

## **School Policy Regarding Harassment or Abusive Behaviour**

The Headteacher and Governing Body are fully committed to the improvement of our school. We welcome feedback from parents / carers and will always try to resolve any concerns as quickly as possible.

Sometimes, however, parents or carers pursuing complaints or other issues may treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community.

Unreasonable behaviour may include:

- Actions which are out of proportion to the nature of the complaint, persistent – even when the complaints procedure has been exhausted, personally harassing, or unjustifiably repetitious

- An insistence on pursuing unjustified complaints and / or unrealistic outcomes to justified complaints
- An insistence on pursuing justifiable complaints in an unreasonable manner e.g. using abusive or threatening language; or making complaints in public or via social networking sites; or refusing to attend appointments to discuss the complaint.

We regard harassment as the unreasonable pursuit of issues or complaints, particularly, but not limited to, if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

Behaviour may fall within the scope of this policy if:

- It appears to be deliberately targeted at one or more members of school staff or others, without good cause;
- The way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to school staff or others;
- It has a significant and disproportionately adverse effect on the school community.

The school expects anyone who wishes to raise concerns with the school to:

- Treat all members of the school community with courtesy and respect;
- Respect the needs of pupils and staff within the school;
- Avoid the use of violence, or threats of violence, towards people or property;
- Recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- Follow the school's complaints procedure.

In cases of unreasonably persistent complaints or harassment, the school may take some or all of the following steps, as appropriate:

- Inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach
- Inform the complainant in writing that the school considers his/her behaviour to be unreasonable or unacceptable, and request a changed approach
- Require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken
- Inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channelled through the Local Authority

The governing body will not tolerate **any** form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- Ban the individual from entering the school site, with immediate effect
- Request an Anti-Social Behaviour Order (ASBO)
- Prosecute under Anti-Harassment legislation
- Call the police to remove the individual from the premises, under powers provided by the Education Act 1996

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to action relating to harassment or abusive behaviour. The school

nevertheless reserves the right not to respond to communications from individuals subject to the policy.

### **Vexatious Complaints**

A complaint may become vexatious when it has been properly considered and dealt with, but the complainant is not prepared to accept the conclusion or persists in making the same or substantially the same complaint. Continuing with such complaints can unreasonably take up time and resources and detract from the responsibility to others in the school community. If the Chair of Governors judges that a complaint has become vexatious he/she will inform the complainant in writing of this, stating that the matter is now closed.

Appendix 1 – RICK FORM

## Appendix 2 – Roles and Responsibilities

### The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

### The Investigator

The Investigator is the person involved in Stages 1 and 2 of the procedure – normally the Headteacher or Chair of Governors. Their role can include:-

- 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 people relevant to the complaint with an open mind;
- liaising with the complainant as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- conduct interviews and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record meetings.

### The Panel Clerk (Normally Clerk to the Governors)

The Clerk is the contact point for the complainant for the panel meeting and is expected 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;
- record the proceedings and circulate minutes of the panel hearing;
- ensure all parties are notified of the panel's decision;

### The Panel Chair

The Panel Chair has a key role in ensuring that:

- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed and key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the panel is open-minded and acts independently;
- written material is seen by everyone in attendance – 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 hearing;
- Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible;
- liaise with the Clerk.

## **Panel Members**

Panellists will need to be aware that:

- it is important that the panel hearing is independent and impartial, and that it is seen to be so;
- No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- 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; Appendix 1 – Extract from South Gloucestershire Council Guidance 2012

## Appendix 3

### Emersons Green Primary School Complaint Form

Please complete this form and return it to the Head Teacher (or Clerk to the governing body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Relationship with school [ e.g. parent of a pupil on the schools roll ]:

.....

Pupil's name [ if relevant to your complaint ]:

.....

Your Address:

Daytime telephone number: .....

Evening telephone number: .....

Please give concise details of your complaint, [including dates, names of witnesses etc...], to allow the matter to be fully investigated.:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? [i.e. who have you spoken with or written to and what was the outcome?]

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

**School use:**  
Date Form received:  
Received by:  
Date acknowledgement sent:  
Acknowledgement sent by:

Complaint referred to:			
Date:			