



POLICY FOR COMPLAINTS

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Any reference to parents in this document refers to any adult defined as such by the 1996 Education Act.

Section 576 of the Education Act 1996 states that a 'parent', in relation to a child or young person, includes any person who is not a parent (from which can be inferred 'biological parent') but who has parental responsibility, or who has care of the child.



POLICY FOR COMPLAINTS

This policy has been written with reference to **Best Practice Advice for School Complaints Procedures 2020 (updated January 2021)**. This policy is not limited to concerns/complaints raised by parents/carers of pupils attending the school, it is recognised that concerns/complaints may also be raised by members of the wider community. It is also possible for complaints to be made by a third party acting on behalf of the complainant, as long as they have the appropriate consent to do so.

There are certain complaints that fall outside the remit of this policy for example staff grievance or disciplinary procedures for which the school has separate policies and procedures. (See Appendix 1)

This policy will be published on the school website.

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Introduction

We believe that our school provides a good education for all our children and we are continually exploring opportunities to further improve this. However, the school is obliged to have procedures in place in case there are concerns or complaints by parents/carers or members of the wider school community. The following policy sets out the procedure that the school follows in such cases.

A concern may be defined as '*an expression of worry or doubt for which reassurance is sought*' this is likely to take the form of a question or request for clarification.

A complaint may be defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*' this is therefore likely to relate to a specific incident which is known (or perceived) to have occurred.

We deal with all complaints in accordance with the process set out below, following procedures set out by the Governing Body. If the school cannot resolve any complaint itself, those concerned can ask the Governing Body to intervene.

All parents/carers have the right, as a last resort, to appeal to the Secretary of State for Education if they still feel that their complaint has not been properly addressed.

Aims and objectives

Our school aims to be fair, open and honest when dealing with any concern or complaint. We give careful consideration to all concerns and complaints and deal with them as swiftly as possible which is in everyone's best interests. The majority can be resolved informally without the need to use the formal stages of this complaints procedure. We aim to resolve any complaint through dialogue and mutual understanding. In all cases, we put the interests of the child above all other issues. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

At Ivybridge Primary our Complaints Co-ordinator is the Head Teacher, Miss McKay.

The Complaints Process

The school will respond to individual families in relation to specific concerns and complaints raised by an individual. It is unable to respond to general concerns and complaints made by groups. (See appendix 4 Complaint Campaigns)

Informal concerns

If a parent/carer is concerned about anything to do with the education that we are providing at our school, they should, in the first instance, discuss the matter with their child's class teacher. Most matters of concern can be dealt with in this way. All teachers work very hard to ensure that each child is happy at school, and is making good progress; they always want to know if there is a problem, so that they can take action before the problem seriously affects the child's progress.

If for any reason a parent feels that they cannot discuss a concern with the class teacher, they should speak with one of the Senior Teachers (Early Years – Mrs Tomlin, Yr 1,2 and 3 Mrs Howe Yr 4,5 and 6 – Miss Holmes).

Complaints against school staff (except the Head Teacher) should be made in the first instance to the Head Teacher, Ms McKay.

If the concern is in relation to the Head Teacher the parent should contact the Chair of Governors (Mrs Irene Bowles) via the school office in writing, this should be marked Private and Confidential. If this is not possible the school office will make arrangements for the Chair of Governors to contact the complainant in person or by telephone.

If the concern is in relation to The Chair of Governors, any individual governor or the whole governing body the complaint should be made in writing to the Clerk of the Governing Body, Mrs Edna Byrne via the school office.

If any member of staff is directly involved and feels too compromised to deal with the concern raised they should refer it to their line manager.

If an individual governor is approached in relation to a concern they should, in the first instance, refer the parent/carer to the appropriate person identified in this procedure, in most cases this will be the class teacher. Governors have no power to act on an individual basis and it may also prevent them from being able to consider complaints as part of a committee within these procedures.

Where a concern is raised by a member of the wider community this will usually be dealt with by the school's complaints co-ordinator.

Stage 1 (formal complaint)

Where a parent/carer feels that a situation has not been resolved through contact with the class teacher, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the Head Teacher, Miss McKay. In the absence of the Head Teacher they should speak with the Deputy Head Teacher, Mrs Hilton or the Assistant Head Teacher Mrs Tomlin. Before proceeding with a formal investigation, the headteacher (or their representative) will meet with the individual and discuss their concerns and wishes, including the complainant's view as to what they think might resolve the issue. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the headteacher will decide whether the individual's complaint will be dealt with by this policy or another statutory procedure and advise them on what they will need to do. If the complaint is to be dealt with under this policy, the complaint should formally be submitted to the head teacher preferably in writing. Arrangements will be put in place for a complaint to be made in person or by telephone where necessary, a formal written record of this will be made by the school. The receipt of a formal complaint will be acknowledged by the headteacher in writing, usually within 3 school days.

Complaints may also be made by a third party acting on behalf of a complainant as long as they have the appropriate consent to do so.

The headteacher will investigate the complaint; this could involve reviewing any paperwork, interviewing those involved including pupils where appropriate. The headteacher will provide the complainant with a full written response usually within 10 school days of acknowledging the formal complaint. This response will determine whether or not the complaint has been upheld, the reasons why, and what action (if any) will be taken. The head teacher will advise the complainant how to escalate their complaint should they remain dissatisfied with the outcome.

If the complaint is about the Head Teacher or a member of the governing body (including the chair or vice chair) this stage will be completed by a suitably skilled governor.

Where the complaint is about the chair and vice chair of governors jointly, the entire governing body or the majority of the governing body an independent investigator appointed by the governing body will complete this stage.

Stage 2 (formal complaint)

Where a complainant is dissatisfied with the outcome of Stage 1 a request should be made to escalate the complaint to stage 2 (formal complaint) – a meeting of the governing body’s complaint committee.

This request should be made to the Clerk of Governors via the school office within 5 school days of the receipt of the response to stage 1. Requests outside of this time will only be considered in exceptional circumstances. This request must be made preferably in writing, stating the nature of the complaint and how the school has handled it so far.

The Chair (or if the Chair has been involved at any previous stage a nominated governor) will convene a Governing Body Complaints Committee. This committee will consist of 3 members of the governing body who have not previously had any involvement in the complaint, they will nominate the chair. Where there are not sufficient governors available for this committee governors from other maintained schools or academies can be sourced to form part of this committee.

The Chair of the Complaints Committee will acknowledge the complaint usually within 5 school days of receiving it. They will also advise of the date on which the committee will meet. The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representation.

If a meeting is to be held, whenever possible this should be within 15 school days and the complainant will be given a minimum of three days’ notice of the meeting. They may bring along someone to provide support, this could be a friend or a relative, generally neither party is encouraged to bring legal representation to the meeting. However, there may be occasions when this is appropriate. Representatives from the media are not permitted to attend.

Guidance on the proceedings of the Complaints Committee and the roles of those involved with the complaints process can be found in appendix 2.

After the hearing the clerk of the committee will inform the complainant of the outcome in writing, including the reasons for the decision. This will be done within 5 school days of the hearing. The complainant will also be advised of how to escalate the complaint should they remain dissatisfied.

If the complaint is about the chair and vice chair of governors jointly, the entire governing body or the majority of the governing body the complaint will be heard by a committee of independent governors.

Next Steps

If the complainant is still not content that the complaint has been dealt with properly in line with this policy, then s/he is entitled to appeal to the Department for Education. They should write to;

Department for Education
Piccadilly Gate,
Store Street,
Manchester
M1 2WD

Alternatively, the DfE can be contacted online at www.education.gov.uk/contactus or by telephone 0370 000 2288.

The department will examine the school's complaints policy (and any other relevant policies) and determine whether these were followed and also that they comply with education legislation. Any concerns will be reported to the school and where necessary the school will take remedial action. The Department for Education will not normally re-investigate the substance of the complaint; this remains the responsibility of schools. The department will only overturn a school's decision about a complaint in exceptional circumstances where it is clear that the school has acted unlawfully or unreasonably. If the department finds that the school has not handled the complaint in accordance with this policy, it may request that it is looked at again.

Serial, Persistent and Unreasonable Complaints

The school will always do its best to be helpful to anyone who contacts them with a concern, complaint or request for information. However, if the school is contacted repeatedly by an individual making the same points or asking the school to reconsider their position the school will need to act appropriately to ensure that time and resources are not used ineffectively.

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.

Please see Appendix 3 for further details.

Anonymous Complaints

Anonymous complaints will not normally be investigated, however the head teacher or Chair of Governors, if appropriate, may determine that a complaints warrants investigation.

Duplicate Complaints

Once a complaint has been closed a further complaint may be received from another party eg. a spouse, parent, grandparent or child. If the complaint is about the same subject the complainant will be informed that the school has already considered the complaint and that the process is complete. The new complainant should be advised to contact the DfE if they are dissatisfied with the school's handling of the original complaint.

Care should be taken to ensure that there are no new aspects to the complaint which have not been previously considered, these will be investigated and dealt with under the full complaints procedure.

Withdrawing a Complaint

A complainant has the right to withdraw their complaint, if they wish to do this they will be asked to confirm this in writing.

Time limits

In order that complaints are resolved as quickly and efficiently as possible, this policy sets out clear expectations for time limits for each action. Where it is not possible to adhere to these time limits the complainant will be informed of this and of the reasons why.

It is also reasonable to expect that a complaint will be made as soon as possible after the occurrence of the incident that gives cause for concern. Where there is a significant time lapse between an incident occurring and a complaint being made it can be extremely difficult to gather information necessary in order to complete the investigation. For this reason, it will be expected that a complaint is made within 10 school days of an incident occurring.

Complaints must be made within 3 months of the incident or, where a series of associated incidents have occurred within 3 months of the last of these incidents.

On occasions there may be good reasons why there is a delay in making a complaint and the school is always willing to consider complaints **made out of this timeframe if there are exceptional circumstances.**

Where a complaint is made outside of term time we will consider it to have been received on the first school day after the holiday period.

If other bodies (eg. the Local Authority) are investigating aspects of a complaint this may impact on the schools' ability to adhere to timescales. It may also result in this procedure being suspended until those other bodies have completed their investigation.

If a complainant commences legal action against Ivybridge Primary school whilst their complaint is being investigated, we will consider whether it would be appropriate to suspend the process in relation to their complaint until those legal proceedings have concluded.

Recording and Monitoring of Complaints

The Governors monitor the complaints procedure, in order to ensure that all complaints are handled properly. The Head Teacher logs all formal complaints received by the school (ie those received in writing) and records progress in investigating these and how they were resolved. Governors examine this log on an annual basis. The Head Teacher will report briefly to governors each term regarding complaints as part of the Head Teacher's Report to governors.

Review of the Complaints Policy

This policy will be reviewed every 3 years in the Spring Term (or sooner to take into account any changes in legislation or guidance issued by the DfE). Governors take into account any local or national decisions that affect the complaints process, and make any modifications necessary to this policy.

Appendix 1 Complaints not within the scope of this policy

This Complaints Policy covers all complaints about any provision of facilities or services provided by this school with the exception of those listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
Admissions to the school.	These should be raised with the Local Authority who is the admissions authority for this school. Complaints about admissions appeals are dealt with by the Local Government Ombudsman
Statutory Assessments of Special Educational Needs	These should be raised with the Local Authority.
School re-organisation proposals	These should be raised with the Local Authority.
Matters likely to require a child protection investigation	These should be raised with the Local Authority.(LADO or MASH)
Exclusion of children from school	Further information about raising concerns about exclusions can be found at: www.gov.uk/school-discipline-exclusions/exclusions
Whistleblowing	The school has internal whistleblowing procedures for employees and voluntary staff. Other concerns can be raised directly with DfE.
Staff grievances and disciplinary procedures	The school has internal grievance procedures.
Complaints about services provided by other providers who may use school premises or facilities	Providers have their own complaints procedure and should be contacted direct.
Staff Conduct Complaints	The school has internal disciplinary procedures
Complaints about the content of the curriculum.	Contact the DfE
Complaints about the delivery of the curriculum (including RE and SRE)	These should be dealt with under the School's Complaint Procedures (Not the remit of the LA)

Appendix 2 Roles and Responsibilities

The Complainant

The complainant will receive a more effective response if s/he;

- 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
- Refrains from publicising the details of the complaint on social media and respects confidentiality.

The Complaints Co-ordinator/Head Teacher

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 and clerk to ensure the smooth running of the complaints procedure
- Keep records
- Be aware of issues regarding:
 - Sharing third party information
 - Additional support – this may be needed by complainants when making a complaint including interpretation support.

The Investigator

The Investigator is the person involved at stage 1 of the procedure, 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 is involved
 - Consideration of records and other information
 - Interviewing staff and pupils and other people relevant to the complaint
 - Analysing information
 - Effectively liaising with the complainant and complaint co-ordinator as appropriate to clarify what the complainant feels would put things right

The Investigator should make sure they:

- Conduct interviews with an open mind and be prepared to persist in 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 an appeal
- Be mindful of the timescales to respond
- Prepare a comprehensive report for the head teacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

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

Governing Body Complaints Committee

The committee 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's systems or procedures to ensure that problems of a similar nature do not recur.

The role of the Clerk

Any committee or group of governors considering complaints must be clerked. The clerk would be the contact point for the complainant and the committee and should:

- Ensure that all people involved in the complaint procedure are aware their legal rights and duties including any under legislation relating to school complaints, education law, the 2010 Equality Act, Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General data protection Regulations (GDPR)
- Agree the date, time and venue of the hearing with the chair of the committee, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible. If the complainant rejects the offer of three proposed dates without good reason the Clerk will decide when to hold the meeting, it will then proceed in the complainants' absence on the basis of written submissions from both parties;
- collate any written material and send it to the parties in advance of the hearing (recommended at least five school days in advance);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- Circulate the minutes of the committee hearing notify all parties of the committee's decision.
- Liaise with the complaints co-ordinator.

As best practice, the Clerk should share copies of the committee meeting minutes with all parties involved in the committee hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

The role of the Chair of the Committee

The Chair of the Committee has a key role, ensuring 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 minuted
- the remit of the committee 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 and 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 committee is open minded and acting independently
- no member of the committee has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- both the complainant and the school is given the opportunity to state their case and seek clarity
- written material is seen by everyone in attendance. If a new issue arises it would be useful to give all everyone the opportunity to consider and comment on it; this may require a short adjournment of the hearing

- they liaise with the complaints co-ordinator.

The Role of a Committee Member

Committee members will need to be aware that:

- it is important that the committee hearing is independent and impartial, and that it is 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 hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant; However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations.
- Many complainants will feel nervous or inhibited in a formal setting; Parents/carers often feel emotional when discussing an issue that affects their child. The committee chair will ensure that the proceedings are as welcoming as possible.
- Extra care needs to be taken when the complainant is a child and present during all or part of the hearing;
Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The committee should respect the views of the child and give them equal consideration to those of adults.
If the child is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child's parent is the complainant, the committee should give the parent the opportunity to say which part of the hearing if any the child needs to attend.
The parent should be advised however that the agreement might not always be possible if the parent wishes the child to attend a part of the meeting which the committee considers not to be in the child's best interests.
- The welfare of the young person is paramount.

Appendix 3 – Serial, Persistent and Unreasonable Complaints

Serial and Persistent Complaints

There may unfortunately be occasions where, despite all of the procedures and stages of this policy having been correctly followed the complainant is still not satisfied. If a complainant tries to reopen the same issue, the chair of the governing body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be regarded as serial or persistent and there will be no obligation on the part of the school to respond. The marking of 'serial' or 'persistent' is against the subject of the complaint rather than the individual. Further guidance relating to serial or persistent complaints may be found in Best Practice Advice for School Complaints Procedures 2016 (DfE January 2016 – updated March 2019).

Ultimately if a complainant persists to the point that the school considers it to constitute harassment, legal advice will be sought which may lead to an injunction or other court order being issued.

Unreasonable Complaints (previously a separate policy)

Ivybridge Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high quality of service to those who complain. 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.

Ivybridge Primary 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 may be considered unreasonable when the person making the complaint:

- Refuses to articulate their complaint or specify the grounds of the complaint or the desired outcomes sought by raising the complaint, despite offers of assistance;
- Refuses to co-operate with the complaints investigation process whilst still wishing for the complaint to be resolved;
- Refuses to accept that certain issues are not within the scope of the complaints procedure;
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists that they are fully answered, often immediately and to their own timescales;
- 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;
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including a referral to the DfE
- Seeks an unrealistic outcome;
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone, in writing or electronically:

- Maliciously
- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowingly using falsified information
- Publishing unacceptable information in a variety of media such as social media or other public forums.

Complainants should limit the number of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, telephone, e-mail or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Ivybridge Primary School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

School Response to Aggression or Violence

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include barring an individual from Ivybridge Primary School.

Barring from the School Premises

Although it fulfils a public function Ivybridge Primary School is a private place and as such the public has no automatic right of entry. The school needs to remain a safe place for pupils, staff and other members of the community.

If a parent's behaviour is a cause for concern they can be asked to leave the premises. Where there are serious concerns the headteacher or the local authority can notify a parent in writing that their implied licence to be on school premises has been temporarily revoked (subject to any representations that the parent may wish to make).

Parents will always be given the opportunity to formally express their views in the decision to bar them in writing. The decision will then be reviewed taking into account any representations made by the parent. The bar may either be confirmed or lifted and the parent notified of this in writing. If the decision is to confirm the bar then the parent will be informed of how long this will remain in place.

Anyone wishing to complain about being barred can do so, by letter or email, to either the head teacher or Chair of Governors. Complaints about barring cannot be escalated to the DfE. Beyond the school's complaints procedure, the only avenue of appeal is through the courts.

Appendix 4 – Complaint Campaigns

Occasionally schools may become the focus of a campaign and receive a large volumes of complaints which are all based on the same subject or are from complainants unconnected with the school.

If this occurs we will send a template response to all complainants where we are able to do so, otherwise a single response will be published on the schools' website.

We will signpost complainants to the DfE where they are dissatisfied with our response.