



BEMPTON PRIMARY SCHOOL

COMPLAINTS POLICY

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| Date | Autumn 2023 |
| Reviewed | |

Rationale

At Bempton School we value good relations between home and school and therefore seek to resolve issues and complaints promptly and to the satisfaction of all concerned.

We treat all concerns and complaints seriously and courteously and will advise parents and others of the schools' procedures for dealing with concerns. In return we expect parents and other complainants to behave respectfully towards all members of the school community. In particular, any disagreement with school should not be expressed inappropriately in front of pupils.

Whilst we seek to resolve concerns and complaints to the satisfaction of all parties, it may not be possible to achieve this in every case. We will therefore, use our option to close a complaint before all stages of the school's procedures have been exhausted, if this appears to be appropriate.

Procedure

The majority of concerns from parents, carers or others are handled under the following general procedures

To ensure you receive effective response to your complaint it will be helpful if you:

- Co-operate with the school in seeking a solution to the complaint;
- Express the complaint as early as possible;
- Respond promptly to request for information or meeting or agreeing the details of the complaint
- Ask for assistance if needed
- Treat all those involved with respect

There are three stages

Stage 1: Informal Stage

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate

The first point of contact should be the member of staff concerned. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. In the case of serious concerns, it may be appropriate to address them directly to the Head Teacher.

It may be the case that a clear note of details will be made to ensure that the matter is followed up.

Any actions or monitoring that has been agreed will be communicated clearly. We will respond to your concern as soon as we can and inform you of the resolution.

If you are dissatisfied following this informal approach, your concern will become a formal complaint as we will deal with the next stage.

Please note:

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The school will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the Head Teacher, the complaints co-ordinator can refer the complainant to the chair of governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It is important that governors do not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

Stage One: Formal consideration of your complaint

If the complaint is not resolved at the informal stage, the complainant must put the complaint in writing and pass it to the Head Teacher who will be responsible for its investigation.

The Head Teacher who may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

As part of the consideration of the complaint, you may be invited to a meeting to discuss the complaint and fill in any details that are required.

Following this, a full investigation will take place where it may be necessary to get statements from witnesses or others involved.

If the complaint directly involves another pupil, his/ her parent will be contacted and, if interviewed, we will ensure the presence of a parent or someone in school with whom the child feels comfortable.

If the complaint is against a member of staff, it will be dealt with under the school's procedures.

Written and dated records will be made of all contact/ meetings and accurate notes will be agreed and signed by all parties.

Once all relevant facts have been collected a written response will be sent with details of any follow up actions. You may be invited to a meeting to discuss outcomes as part of our commitment to building and maintaining good relations with you.

If the complaint involves the Head Teacher, then the next stage is to raise this directly with the Chair of Governors. Many concerns can be resolved by simple clarification or the provision of information.

Stage Two: Complaint heard by the Governing Body Complaints Appeal Panel

If you are not happy with the outcome, you will need to contact the Chair of Governors in writing, detailing your complaint. The Chair of the Governing Body who will determine which of the agreed procedures to invoke. If it is determined that the complaint is "General", the Chair will arrange for its investigation.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents etc... In addition, the complainant will be invited to meet with the Chair to present oral evidence or to clarify the complaint.

The Chair will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

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The Head Teacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair. Once there has been an opportunity for the Head Teacher to consider this, he/she will be invited to meet separately with the Chair, in order to present written and oral evidence in response. The Head Teacher may be accompanied at this meeting by a friend or representative.

When the investigation has been concluded, the complainant and the Head Teacher will be informed in writing of the outcome. The complainant will not be informed of any disciplinary/capability action.

The complainant will be told that consideration of their complaint by the Chair is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair is perverse, or that the Chair has acted unreasonably in considering the complaint, then the complainant may request that the Governing Body review the handling of the complaint by the Chair.

Review Process

Any review of the process followed by the Head Teacher or the chair will be conducted by a panel of 3 members of the Governing Body.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.

During the meeting, you can expect there to be opportunities for

-the panel to hear you explain your case and your argument for why it should be heard at this stage

-the panel to hear the complaint investigator's case in response

-you to raise questions via the chair

-you to be questioned by the complainant investigator through the chair

-the panel members to be able to question you and the complaint investigator

The panel may also have access to the records kept of the process followed.

The panel will then consider the complaint and all the evidence presented in order to:

- Reach a unanimous, or at least majority, decision on the case
- Decide on the appropriate action to be taken, if necessary and
- Recommend, where appropriate, to the governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.

The complainant, the Head Teacher or the chair, as appropriate, will be informed in writing of the outcome.

This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full but the procedural failure did not affect the outcome significantly so the matter is now closed.
- The concern was substantiated in part or in full and the Governing Body will take steps to prevent a reoccurrence or to rectify the situation (where this is practicable)

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1. Checklist for a panel hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Head Teacher may question both the complainant and the witnesses after each has spoken.
- The Head Teacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Head Teacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Head Teacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

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Appendix: Policy for Unreasonable Complainants

Schools should do their best to be helpful to people who contact them with a complaint or concern or a request for information. There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for schools to recognise when they really have done everything they can in response to a complaint. It is a poor use of schools' time and resources to reply repeatedly to letters, emails or phone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, then the correspondence may be viewed as serial or persistent and the school may choose not to respond. The decision to stop responding should never be taken lightly. A school needs to be able to say yes to all of the following:

- The school has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and their options (if any); and

They are contacting the school repeatedly but making substantially the same points each time.

The case is stronger if the school agrees with one or more of these statements:

- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone call?
- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

Schools should not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances the subject matter is what you can refuse to respond to, not the correspondent.

Schools must provide parents with the information

A complaint may be regarded as unreasonable when the person making the complaint: -

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists 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);

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- 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 referral to the Department of Education
- 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 or in writing or electronically: -

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

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

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

If the behaviour continues the Head Teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Bempton 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.

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 banning an individual from the school.

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