



Downend School

# DOWNEND SCHOOL

## Complaints Procedure Policy

Status: Statutory  
Reviewed: September 2011  
Ratified: November 2011

To be reviewed: November 2012

### Introduction and Guidance Notes

#### Rationale

Downend School aims to work in partnership with all its stakeholders within the school community - parents, carers, staff, governors and local residents in order to work together in the best interest of Downend students.

The school treats all complaints seriously and aims to resolve them in an open and honest way through open dialogue and mutual understanding.

The Complaints policy contains Introduction and guidance notes to the Complaints procedure, the four stage Complaints Procedure and policy for handling unreasonable persistent complaints and unreasonable complainant behaviour. This complaints policy has been compiled using the South Gloucestershire Council Education Service 'Complaints Against Schools' (revised April 2003).

The Complaints Policy will be accessible on the Downend School website and paper copies will be available in the School)

#### Remit of Complaints Policy

The aim of this complaints policy is to ensure that complaints are investigated fairly, promptly and to ensure that there is a clear procedure with appropriate feedback to the complainant at all stages within a specified timescale.

While the majority of complaints against the school will fall within the remit of the Governing Body to consider, there are however six categories of complaint which the Local authority for Education has responsibility for:

- Complaints about the curriculum
- Complaints about admission to school
- Complaints about the failure to assess a student's education needs
- Exclusion of pupils from school
- Child protection related issues or allegations of child abuse
- Complaints against the Governing Body

### **Before making a complaint**

The complaints procedure within this policy is not intended to replace informal discussions that take place between parents, carers, staff, residents, head teacher and other education professionals within Downend School on problems and concerns that arise. Most concerns can be resolved through informal discussions.

For parents and carers these concerns may include matters such as your child's progress, relations with staff or with other students including possible bullying or your child's personal welfare. The first point of contact regarding these concerns should always be the Student's Tutor. The Tutor can be contacted via the Student Planner or telephoning or via e-mailing the school.

When meeting with the Tutor to raise concerns, ensure that adequate time is agreed to perform informal investigations or to put corrective measures in place and evaluate their effectiveness. This informal stage may require several meetings to reach a satisfactory conclusion for all parties – ensure that a timescale is set for further appointments and outcomes.

If the concern is not sufficiently resolved through discussions with the Tutor or the issue is of a sufficiently serious nature then the Year Team Leader / Key Stage SLT link should be contacted. If the concern is not dealt with in a sufficient manner, the complaints policy should be referred to and the procedure followed.

### **General principles regarding any complaint**

All complaints will be handled with care and sensitivity. Confidentiality will be respected at all times. The complaint procedure will be investigatory rather than adversarial and the complainant (the person instigating the complaint) will be kept informed of options to appeal during the process, timescales and adequate

feedback. Furthermore, the investigation will be thorough, fair and address the whole complaint.

If any governor is contacted directly by a complainant then that governor will refer the complainant to the Complaints Policy and the Complaints Procedure therewith. Individual governors cannot act unilaterally by investigating a complaint or making any prior judgment about it.

If the complaint is one that may result in disciplinary or legal action against the head teacher, or the complaint is regarding the head teacher, then the complaint should be immediately escalated to Stage 3 via a letter to the Chair of Governors as described within the procedure.

If at any stage of the 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 interest of fairness and to aid dealing effectively with the complaint. However, if the anonymous complaint is of a sufficiently serious nature then the Head teacher 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 within 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 school procedures by the relevant bodies.

Although the law does not state any time limit to make a complaint, this Complaints Policy is valid for complaints raised within six months of the incident. Discretion to waive the time limit will be considered in exceptional circumstances.

### **Monitoring and Reviewing Complaints**

All complaints following the complaints procedure (formal and informal stages) should be recorded in the school and reported to Full Governing Body on a regular basis.

All documentation regarding a complaint must be kept for six years. In the case of a complaint concerning a pupil, documentation will be kept for thirty years.

Governors will review this policy annually and consider the need for any changes in procedures.

### **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 Authority Head of Schools personnel will be sought.

The Complainant will be notified that the complaint procedure has been suspended and the likely timescales 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 disciplinary proceedings will not be released to the Complainant.

### **Vexatious Complaints**

South Gloucestershire Council Policy states “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, advice will be sought from the relevant officer in the Education Service.

### **Other Policies to be read in conjunction**

Allegations and abuse against staff.

## **The Complaints procedure**

### **Stage 1 – Informal Complaint**

If the Complainant feels that the concern has not been resolved through discussion with the Tutor, Year Team Leader, SLT link, or that it is of a sufficiently serious nature, then an appointment to discuss it with the Head Teacher should be made. The Complainant should indicate that the appointment is regarding a complaint.

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

The investigation will be completed within **10 school days** and a follow on meeting held with the Complainant 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 at the informal level.

The Head Teacher will make written notes of any formal 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. However, a record should be kept of all discussions and meetings even if the Complaint is not escalated.

It therefore follows that if discussions between the Head Teacher and the Complainant prove fruitless and the issue cannot be resolved to the Complainant's satisfaction, then the head teacher will advise the Complainant to progress on to Stage 2 of the Complaints procedure. The complainant has within **10 school days** to escalate the complaint to Stage 2.

### **Stage 2 – Informal Complaint**

If the Complainant feels that the complaint has not been resolved through stage 1 of the complaints process or it is of a sufficiently serious nature, then an appointment to discuss it with the Chair of Governors should be made. The Complainant should indicate that the appointment is regarding a complaint.

It will be Chair of Governors' responsibility to decide who should conduct the investigation. The investigation will be completed within **10 school days** and a follow on meeting held with the Complainant 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 at the informal level.

The Chair of Governors will make written notes of any formal 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. However, a record should be kept of all discussions and meeting even if the Complaint is not escalated.

It therefore follows that if discussions between the Chair of Governors and the Complainant prove fruitless and the issue cannot be resolved to the Complainant's satisfaction, then the Chair of Governors will advise the Complainant to progress on to Stage 3 of the Complaints procedure. The complainant has within **20 school days** to escalate the complaint to Stage 3 and put the complaint in writing to the Chair of Governors.

### **Stage 3 –Formal Complaint**

If a formal letter of complaint is received by the Chair of Governors and there is no evidence that Stage 1 and 2 of the Complaints procedure have been followed, except in exceptional circumstances, the Complainant will be referred back to the appropriate point within the process.

When the Chair of Governors has received a written 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. Furthermore at least one member within the Panel will have undertaken training provided by the Local Authority on dealing with complaints process and may be nominated as Chairperson. It is the responsibility of the Chair of Governors to acknowledge the receipt of the complaint in writing to the Complainant within **five school days** (or delegate responsibility to the Chairperson of the Complaints Panel).

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 make a decision about whether the complaint is upheld or rejected and may call for certain action to be taken by the school or the parents/ carers. The Panel will treat the complaint in the strictest confidence to protect individuals involved as well as to ensure that there is an unbiased Appeal Panel of Governors if necessary. Therefore, the Governing Body will be informed only in the most general terms of the progress of the complaint. The Complaints Panel will convene the complaints meeting within **ten school days** of the complaint being formally received by the Chair of Governors, at mutually acceptable times.

The Complaints Panel will write to all parties involved within the complaint. The Complainant will be asked to provide written evidence of the complaint and the outcome sought (unless already provided). All other parties to the complaint will receive a letter outlining the complaint and requesting written evidence. The letters will detail the names of the Governors of the Complaints Panel and the nominated Chairperson.

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 or union representative who may speak on their behalf if necessary. All parties will be given a fair opportunity to express their point of view. The Complaints Panel will meet all parties to the complaint within **twenty school days** of the complaint being formally received by the Chair of Governors.

The procedure for each meeting will be as follows:

- Introductions to be performed by Chairperson of Complaints Panel.
- The Complainant makes a statement of their complaint and the outcome sought
- The Complaints Panel question the Complainant
- The Complainant may make a final statement

The meetings will be minuted, either by a Governor within the Complaints Panel or by an independent clerk. It may be appropriate for a member of staff such as the school secretary or clerk of Governors to act as clerk, although consideration should be given to the sensitivity of a particular complaint.

Following the conclusion of the complaints meetings with all parties, the Panel will provide a written response to the Complaint within **twenty five school days** of the complaint being formally received by the Chair of governors.

It is the responsibility of the Chairperson of the Complaints Panel to inform the Complainant of progress within the complaints procedure. 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.

The Complainants, Head teacher, any other parties and the Full Governing Body are informed of the outcome in writing. This will clearly state whether or not the complaint has been upheld and any recommendations made by the Complaints Panel.

#### **Stage 4 -Appeal**

If the Complainant is not satisfied with the outcome, an appeal can be made in writing to the chair of governors. This will be done within **five schools days** of

the receipt of notification of the outcome. In this instance a new Panel of two or three Governors will be convened who have no detailed knowledge of the complaint. The Appeals Panel will follow the procedure outlined in Stage 3. If it is felt by the Complaints Panel that there are grounds for an appeal then the Panel will carry out an investigation which may involve meeting with all or some of the parties involved at stage three. The Appeals Panel will inform the Complainant in writing within **twenty five school days** of receipt the letter of appeal from Complainant.

If following the appeal, the Complainant is still dissatisfied with the outcome, then the next stage is to appeal to the Local Authority.

### **Appeal to Local Authority**

If the complainant is not satisfied by Downend School procedures, or the complainant considers the Governing Body to have acted unreasonably or not dealt with their case fairly according to the published complaints policy then the complainant may complain in writing to the Local Authority Education Services.

### **Appeal to The Secretary of State**

A complaint may be made to the Secretary of State for Education if a person believes that a Governing Body or local Authority is acting 'unreasonably' or is failing to carry out its statutory duties properly.

## **School Policy for handling unreasonable persistent complaints and unreasonable complainant behaviour**

The Head Teacher 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 recognize that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any member 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 (eg using abusive or threatening language, verbally or in writing ; or making complaints in public; 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 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 disproportionate adverse effect on the school community.

Downend 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 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 such aggression the school may:

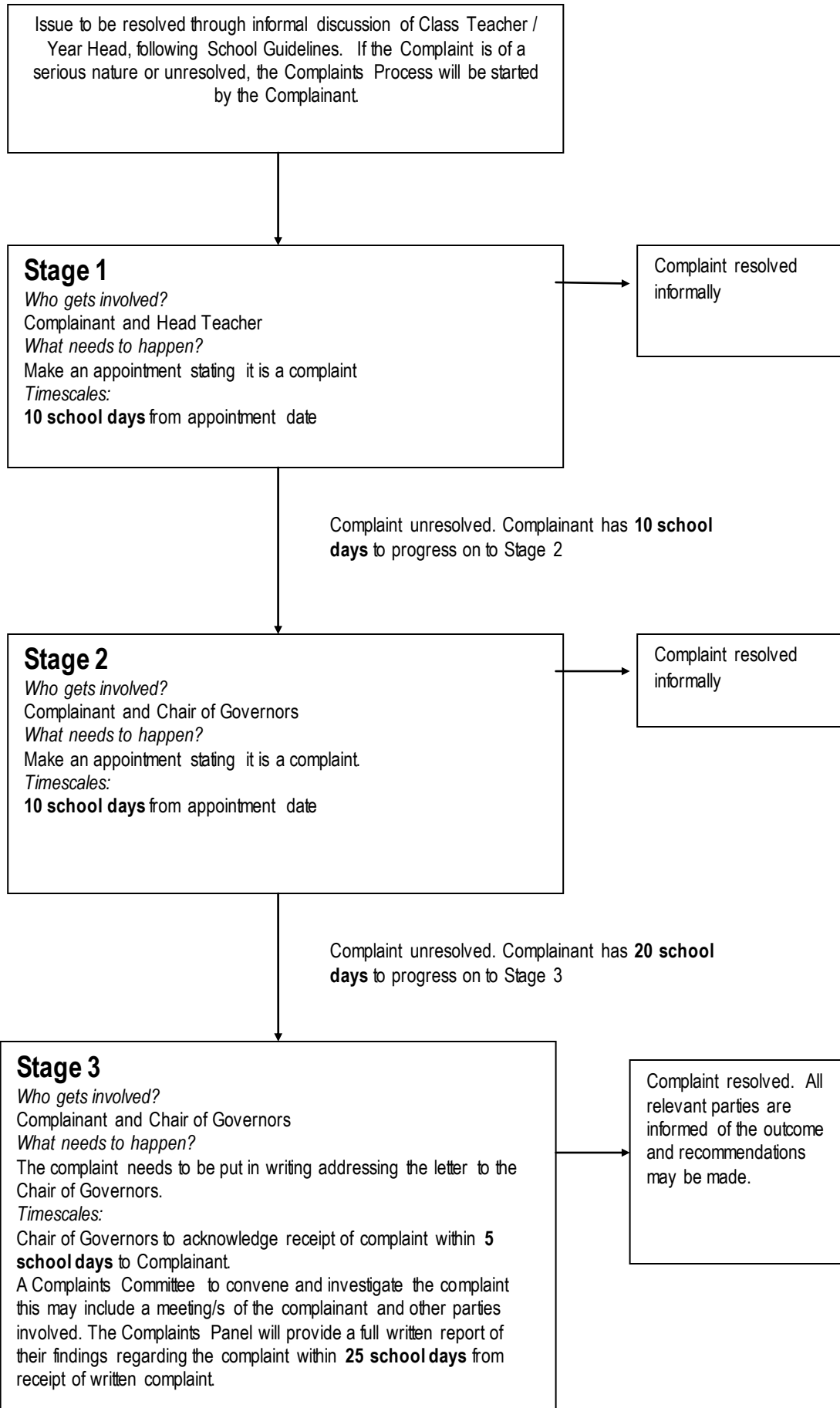
- Ban individuals from entering the school site, with immediate effect;
- Request an Anti-Social Behaviour Order (ASBO)
- Prosecute under Anti-Harassment legislation;
- Call the Police to remove the individual from the premises, under powers provided by the Education Act 1996.

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.

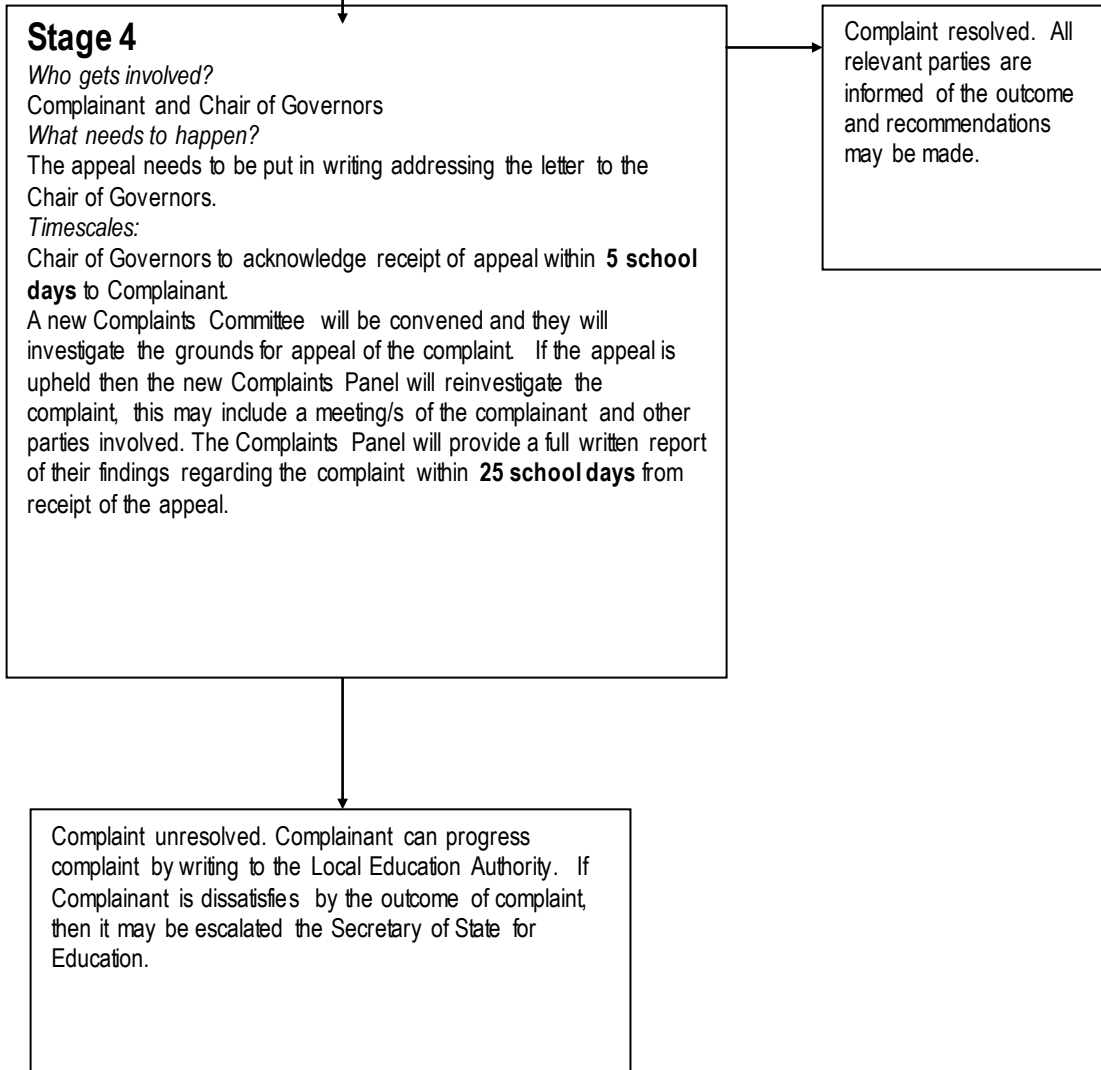
## Timescales of Complaints Procedure

	Responsible person	Timescale	Action
<b>Stage one</b>			
Informal discussion	Head Teacher	10 school days	Investigate complaint and report to Complainant
Progress to Stage two	Complainant	10 school days	To escalate complaint to stage 2
<b>Stage two</b>			
Informal discussion	Chairperson of Governors	10 school days	Investigate complaint and report to Complainant
Progress to stage three	Complainant	10 school days	To escalate complaint stage 3
<b>Stage three</b>			
Formal written letter	Complainant	10 school days from stage 2	complaint in writing to Chairperson of Governors
Letter of acknowledgement	Chairperson of Governors	5 school days from receiving formal written letter of complaint	Letter to Complainant acknowledging formal complaint
Complaint Panel Convene	Chairperson of Complaints Panel	10 school days from receiving formal written letter of complaint	Ensure that all parties to complaint know the Panel and are informed of the complaints process.
Gather evidence and outcome sought by Complainant	Chairperson of Complaints Panel	20 school days from receiving formal written letter of complaint	Meet with all parties of the complaint – decide on merits of complaint and resolve complaint if possible
Letter of Outcome to Complainant	Chairperson of Complaints Panel	25 school days from receiving formal written letter of complaint	Complaints Panel to provide a written response – notifying outcome to uphold or reject complaint
<b>Stage four</b>			
Letter of appeal	Complainant	5 school days from date of letter notifying outcome	Complainant has right to appeal
Letter of acknowledgement	Chairperson of Governors	5 school days from letter of appeal	The process starts again with a fresh Complaints Panel as <b>Stage three</b> – the appeal can be rejected or upheld
Appeal verdict	Chairperson of Complaints Panel	25 school days from letter of appeal	Complainant informed that appeal rejected/upheld

# Complaints Flowchart



Complaint unresolved. Complainant has **5 school days** to progress on to Stage 4



**Ratification:** At Full Governors Meeting

Date: November 2011

Signature of Head Teacher

Date: November 2011

Signature of Chair of Governors

Date: November 2011