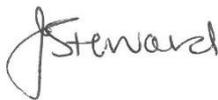




## COMPLAINTS PROCEDURE POLICY

<b>Formally adopted by the Governing Body of Sheringham Community Primary &amp; Nursery School</b>	
On	26 <sup>th</sup> November 2020
Chair of Governors	
Head Teacher	
Last updated	26 <sup>th</sup> November 2020
Review	26 <sup>th</sup> November 2021

***Be all that you can be...***



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## **1. Aims of the policy:**

At Sheringham Community Primary School, we work extremely hard to ensure that our children are happy, well cared for and can learn effectively. We aim to communicate all we do with parents and other stakeholders and to ensure clarity, consistency and unity of purpose. Sometimes, despite our best efforts, things go wrong. If this is the case, we are very keen to talk to parents and carers and to work together to put things right.

## **2. If you have a concern:**

Concern: "an expression of worry or doubt over which reassurances are sought."

If there is something you are concerned about, you should speak to your child's class teacher. A message should be left using the slips in the school reception area. The class teacher will receive the message and contact you, usually the same day. You may be able to rectify the situation over the phone but if not, you will be offered an appointment to come in and speak to your child's teacher at the earliest opportunity. Sometimes, we need time to look into a concern and perhaps talk to other staff or children who may be involved. In this instance, we will call you back as soon as we can to update you and discuss the matter further.

If you have a complaint:

Complaint: "an expression of dissatisfaction regarding actions taken or lack of."

Sheringham Community Primary School aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure. The Complaints Procedures Policy has been created to deal with any complaint against a member of staff or the school as a whole, relating to any aspects of the school, its facilities or services.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the school provides. This policy outlines the procedure that must be followed. Once a complaint has been made, it can be resolved or withdrawn at any stage. Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures shall be followed.

## **3. Making a Complaint:**

Sheringham Community Primary School will ensure that all aspects of the complaints procedure are:

- Easily accessible and publicised.

- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality.
- Continuously under improvement, using information gathered during the procedure to inform the school's senior management team.
- Fairly investigated, by an independent person when necessary.
- Used to address all issues in order to provide appropriate and effective responses where necessary.
- Complaints are expected to be made as soon as possible after an incident arises in order to amend the issue in an appropriate timescale.
- The school upholds a three-month time limit in which a complaint can be lodged regarding an incident.
- Complaints made outside this time limit will not be automatically refused and exceptions will be considered.
- Complaints should be made using the appropriate channels of communication.
- All complaints shall be considered whether made in person, by telephone, in writing or electronically via email.
- A complaint can progress to the next stage of the procedure even if it is not viewed as "justified". All complainants are given the opportunity to fully complete the complaints procedure.
- Any complaint made against the headteacher shall be initially dealt with by the chair of governors, Mrs J Steward.
- Any complaint made against the chair of governors or any other member of the governing body should be made in writing to the clerk to the governing body, Mrs V. Hawkes.

#### **4. Complaints procedure:**

##### **Stage one - Informal**

Parents, carers or guardians should, in the first instances, make an appointment to speak to the class teacher about the concern. It is best to resolve issues at this point.

- The member of staff can discuss the complaint with the headteacher in order to seek support.
- If the complaint concerns the headteacher, the Chair of Governors should be informed and will need to handle the complaint.
- In case a complaint is made initially to a governor, the complainant should be referred to the appropriate person. The governor in question should not act on a complaint.

- The complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.
- If an appropriate resolution cannot be sought at this level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure.

### **Stage two - Informal**

Parents, carers or guardians dissatisfied with the result of the discussion with the class teacher should ask for an appointment to meet with a member of the leadership team.

If a resolution to the issue is proving difficult to find, the Head teacher may speak to a member of the Governing Body about the issue, who may be willing to offer informal intervention. However, there is no obligation on any Governor to become involved at this level.

If all involved are unable to resolve the issue then it may be necessary to ask for support from a Children's Services Representative. The issue at the focus of the complaint will determine the person contacted.

**It is very rare for problems to go beyond this stage.**

### **Stage three – Complaint made to the headteacher**

Issues which have not been resolved through the informal levels 1 & 2 may form the basis of an official complaint.

Parents, carers and guardians wishing to move to level 3 should write a formal letter (or, where this is difficult (eg where English is an additional language), the Headteacher will transcribe a complaint via telephone) to the Head teacher. The letter will need to set out clearly the issues which have previously been discussed and why the parent, carer or guardian considers the issue to be unresolved.

The Head teacher will consider the complaint and discuss a resolution with the complainant. The Head teacher should offer a resolution to the complainant in writing within 15 school days of receipt of the letter.

### **Concerns or complaints specifically about the Head teacher.**

The decisions that the Head teacher has made as a result of the complaint does not become a complaint about the Head teacher. If the complainant feels the complaint has not been resolved he/she should proceed to level 4, a Governors' Complaints Panel.

If the concern or complaint is specifically about the Head teacher and is unable to be resolved at the informal stage, then it will be necessary for the complainant to

formally complain to the Chair of Governors. The school will provide the Chair of Governor's name and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'. The Chair of Governors should acknowledge the complainant's letter in writing within 5 school days of receipt and may contact a Governor Support Service Officer for advice.

- Stage three of the process will be completed **within 15 school days**. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the headteacher will contact the complainant to inform them of the revised target date via written notification.
- In terms of a complaint being made against a member of staff, the headteacher will discuss the issue with the staff member in question. Where necessary, the headteacher will conduct interviews with any relevant parties, including witnesses and children, and take statements from those involved.
- All discussions shall be recorded by the headteacher and findings and resolutions will be communicated to the complainant either verbally or in writing.
- Once all facts are established, the headteacher shall contact the complainant in writing with an explanation of the decision.
- Any further action Sheringham Community Primary School plans to take to resolve the issue will be explained in writing.
- If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage four.
- If a complaint is made and a legal case is started, then a response to the complaint will be suspended until such time that the legal case is resolved.

#### **Stage four – Complaints appeal panel (CAP)**

Complainants wishing to move to level 4 of the formal complaints procedure will need to write a letter to the Chair of Governors to request that a Governors' Complaints Appeal Panel meets to hear the complaint. This formal complaint letter must be received within 10 school days of the last meeting with the Head teacher concerning the issue. The complainant should write to the Chair of Governors at the school address marking the envelope 'urgent and confidential'. The letter will need to set out the complaint that has previously been formally discussed with the Head teacher and show why the matter is not resolved.

#### **Before the meeting:**

The Chair of Governors should appoint a clerk to the Governors' Complaints Panel, acknowledge the complainant's letter in writing within 3 school days of receipt and arrange for a panel of Governors to meet within 20 school days of receipt. It must be recognised that if the letter is received within 20 school days to the end of term it

may not be possible to organise the Governors' panel meeting. In this case the matter should be dealt with within 10 school days of the School reopening.

The Head teacher should be given a copy of the complainant's letter and written documentation should be requested from the School. The clerk should send both the complainant's letter and the School documentation to the Governors' Complaints Appeal Panel members, complainant and the Head teacher (and anyone else involved in the meeting) at least 5 school days before the date of the meeting.

The complainant and Head teacher will be invited to attend the Governor's Complaints Appeal Panel meeting to give a verbal statement in support of their documentation. Each of them can bring someone to support them if they wish.

### **At the meeting:**

The complainant and the Head teacher (or his / her representative) should provide all the relevant information they wish and the Governors' Complaints Appeal Panel members should clarify any points. After the complainant and Head teacher (or his / her representative) have provided all the information they wish, the Chair will ask all parties to leave except the panel members and the clerk.

### **After the meeting:**

The Governors' Complaints Panel will write to all concerned within 10 school days to explain their decision and suggest a resolution to the problem, if appropriate. The decision of the Governor's Complaints Panel is final.

- If the complainant believes there is likely to be bias in the proceedings, they reserve the right to request an independent panel.
- Sheringham Community Primary School will consider the request but ultimately the decision is made by the governing body.
- The CAP will consider issues raised in the original complaint and any issues which have been highlighted during the complaints procedure.
- The meeting should allow for:
  - The complainant to explain their complaint and the headteacher to explain the reasons for their decision.
  - The complainant to question the headteacher, and vice versa, about the complaint.
  - Any evidence, including witnesses who have been prior approved by the chair of the CAP, to be questioned.
  - Members of the CAP to question both the complainant and the headteacher.
  - Final statements to be made by both parties involved.

- The complainant will receive a written response explaining the final outcome within 10 school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.

## **5. Roles and Responsibilities:**

### The complainant will:

- Co-operate with the school in seeking a solution to the complaint.
- Express the complaint and their concerns in full at the earliest possible opportunity.
- Promptly respond to any requests for information or meetings.
- Ask for assistance as needed.
- Treat any person(s) involved in the complaint with respect.

### The Head Teacher will:

- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
- Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000.
- Keep up-to-date records throughout the procedure.
- Liaise with all parties involved to ensure the complaints procedure runs smoothly, including any staff, clerk and chair of governors.
- Be aware of issues in regards to sharing third party information.
- Understand the complainant's need for additional support, including interpretation support, and will be aware of any issues concerning this.

### The Head Teacher is involved in stages two and three of the procedure.

#### Their role includes:

- Providing a sensitive and thorough interviewing process in order to establish what has happened and who is involved.
- Considering all records, evidence and relevant information provided.
- Interviewing all parties that are involved in the complaint, including staff and children.
- Analysing all information in a comprehensive and fair manner.
- Liaising with the complainant and any other staff to clarify an appropriate resolution to the problem.
- Identifying and recommending solutions and courses of actions to take.
- Being mindful of timescales and ensuring all parties involved are aware of these timescales.

- Responding to the complainant in a clear and understandable manner.

The panel chair will:

- Minute all meetings.
- Explain the remit of the panel.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any children involved.
- Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the complainant and the school the opportunity to state their case and seek clarity without undue interruption.
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child.

All panel members will be aware that:

- The panel hearing is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.
- Reconciliation between the school and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.

The panel can:

- Dismiss or uphold the complaint, in whole or in part.
- Decide on appropriate action to be taken.
- Recommend changes that the school can make to prevent reoccurrence of the problem.
- When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.

The panel clerk will:

- Continuously liaise with the complaints co-ordinator.
- Keep up-to-date records of all proceedings throughout the procedure.
- Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved.
- Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing.
- Greet all parties as they arrive at the hearing.
- Ensure that the minutes of the panel hearing are circulated.
- Notify the relevant parties of the panel's decision and any other actions to be taken.

## **6. Interviewing witnesses**

- When interviewing children in order to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents/carers.
- Sheringham Community Primary School will ensure that the conduction of interviews does not prejudice an LA designated officer's (LADO), or police, investigation.
- The school understands the importance of ensuring a friendly and relaxed area which is free from intimidation.
- All children interviewed will be made fully aware of what the interview concerns and their right to have someone with them.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.
- The interviewee will sign a copy of the transcription of the interview.

## **7. Recording a complaint**

- A record shall be kept of any complaint made, whether via phone, in person or in writing, detailing the main issues raised, ready to discuss at a later date.
- Where there are communication difficulties or disabilities, the school may provide recording devices to ensure the complainant is able to access and review the discussions at a later point

- Details of any complaint made shall not be shared with the entire governing body unless completely necessary, in case an independent panel is needed to hear the complaint.
- The progress and the final outcome of a complaint will be recorded and kept up-to-date by the headteacher.
- Sheringham Community Primary School will hold all records of complaints centrally.
- Complainants have a right to access copies of these records under the Freedom of Information and Data Protection Acts.

### **8. Complaints not covered by this procedure:**

- Complaints regarding the following topics should be directed to the LA:
- Statutory assessments of Special Educational Needs and Disabilities
- School re-organisation proposals
- Matters which may require a Child Protection Investigation
- Admissions to schools
- Complaints concerning admissions will be directed to the appropriate admissions authority.
- Complaints about children being excluded from the school should be dealt with by following the process explained at: <https://www.gov.uk/school-discipline-exclusions/exclusions>
- Staff grievances and disciplinary procedures will be dealt with using the school's internal grievance procedure.
- This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the school premises or facilities. All complaints concerning this should be directed to the service provider.

### **9. Exceptional circumstances:**

- If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual harassment or neglect, it may be referred without further notice to the children's social care and/or to the LA.
- If a social services authority decides to investigate a situation, the headteacher or governing body may postpone the complaints procedure.

- Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of special educational needs, and decisions to permanently exclude a child.

## 10. Serial and persistent complainants:

- The school will act in a manner they believe to be appropriate when dealing with an individual who consistently makes the same complaints or who continuously asks the school to reconsider their position.
- If a complainant attempts to re-open an issue which has previously fully completed the complaints procedure, the chair of the governing body will inform the complainant that the matter is now closed.
- If the complainant contacts the school regarding the same issue again, the complaint may be classed as 'serial' or 'persistent' and the school does not have an obligation to respond.
- The school must ensure that a complaint is not classed as 'serial' before they have fully completed the complaints procedure.
- Sheringham Community Primary School will not take the decision to stop responding to an individual lightly. The school will ensure that:
  - They have previously taken every reasonable step to address the problem.
  - They have provided the complainant with a statement of their position.
  - The complainant is contacting the school repeatedly with the same complaint.
  - If the school believes that the complainant is continuously contacting the school to cause disruption or inconvenience, or if the complainant is being abusive or threatening, the school has the right to not respond.
- Once Sheringham Community Primary School decides to no longer respond to a complainant, the individual will be informed of this decision in writing.
- If the school finds it difficult to deal with a complainant due to their unreasonable behavior, then their complaint can be directed to the LA.
- The complainant has the right to a third party representative, such as the Citizens' Advice Bureau, throughout the complaints procedure.
- Any new complaint made by a 'serial' complainant will be responded to.
- The school will not deny any individual access to information that they have a right to under The Education (Pupil Information) (England) Regulations 2005.

## 11. Barring from the premises:

- School premises are private property and therefore any individual can be barred from entering the premises.
- If a parent's/carer's behaviour is cause for concern, a school will ask the individual to leave the premises.
- The headteacher or the LA will notify the parties involved via writing, explaining that their right to access the school or its grounds have been withdrawn for a specified period.
- The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.
- This decision to bar will be reviewed, taking into account any discussions following the incident.
- If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place.
- Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the Headteacher or chair of governors.
- Once the school's complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

## 12. Standard of fluency complaints:

- As members of a public authority, all staff are subject to the fluency duty imposed by the Immigration Act 2016, which requires staff members to have an appropriate level of fluency in English in order to teach pupils.
- The school is free to determine the level of spoken communication necessary in order for staff members to develop effective performance, but it will be matched to the demands of the role in question.
- The school will be satisfied that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether this is an existing or potential new member of staff.
- If a member of the school community feels that a staff member has insufficient proficiency in spoken English for the performance of their role, they are required to follow the complaints procedure outlined in section 5 of this policy.
- For the purpose of this policy, a "legitimate complaint" is one which is about the standard of spoken English of a member of staff; complaints regarding an individual's accent, dialect, manner or tone of communication are not considered legitimate complaints.

- All legitimate complaints regarding the fluency duty will be handled in line with the processes outlined in this policy.
- In addition to the processes outlined in this policy, the school will assess the merits of a legitimate complaint against the necessary standard of spoken English fluency required for the role in question.
- To assess the merits, the school will undertake an objective assessment against clear criteria set out in the role specification or, against the level of fluency descriptors relevant to the role in question.
- If the complaint is upheld, the school will consider what action is necessary to meet the fluency duty; this may include:
  - Specific training
  - Specific re-training
  - Assessment
  - Re-deployment
  - Dismissal
- Appropriate support will be provided to staff to ensure that they are protected from vexatious complaints.

### **13. Role of the school complaints unit (SCU)**

- If a complainant remains dissatisfied once the complaint procedure has been completed, they have the right to refer their complaint to the Secretary of State.
- The Secretary of State will only intervene when they believe that the governing body has acted unlawfully or unreasonably.
- The SCU will not overturn a school's decision about a complaint except in exceptional circumstances, such as the school acting unlawfully.
- When making a final decision about a complaint, the school reserves the right to seek advice from the SCU on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint.

### **14. Reviewing the procedure:**

- This complaints procedure will be reviewed every two years, taking into account the latest guidance issued by the DfE.
- Responsibility for reviewing the procedure belongs to the governing body and the Headteacher.
- Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process and will help to evaluate the school's performance.

## 15. Policy for Unreasonable Complainants:

- Sheringham Community Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school; however, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.
- Sheringham Community 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 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, 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 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).
  - Refuses to accept the findings of the investigation into that complaint where the school's complaints procedure has been fully and properly implemented and completed.
  - 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 or using false information.
- Publishing unacceptable information in a variety of media such as on 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 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 Sheringham Community Primary School, causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan.
- 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 school premises.

## 16. Legal framework

This policy has due regard to statutory legislation, including the following:

- The Education Act 2002
- The Data Protection Act 1998
- The Freedom of Information Act 2000
- The Immigration Act 2016
- The Equality Act 2010
- Early Education and Childcare Statutory Guidance for Local Authorities - March 2017

This policy also has due regard to guidance, including the following:

- DfE 'Best Practice Advice for School Complaints Procedures 2016' 2016
- HM Government 'Code of practice on the English language requirement for public sector workers' 2016

- Early years Entitlements: Operational Guidance For Local Authorities and Providers April 2017

## **17. Parents of children with Special Educational Needs (SEND)**

If you are a parent of a children with special educational needs and wish to make a complaint, about the support the school provides, please contact Mrs Tweedale our SENDCo in the first instance. If you are still not happy with the outcomes, please follow stage 3 of this policy.

## **18. Parents of children in the Early Years Foundation Stage**

Children in the Early Years Foundation Stage are entitled to 30 hours of free childcare (15 are dependent on qualification). We currently offer 15 hours of this provision in our school nursery and the full 30 hours if parents qualify. If parents feel their child is not receiving their entitlement within our school framework, they may use this policy to register a complaint. Our Complaints Policy is issued to all families as part of the admissions process via our school brochure. It is also available via our school webpage or a paper copy can be obtained upon request from the school office.

Where parents/carers are not satisfied that their child is receiving the free entitlement in the correct way (as set out in the Early Years funding agreement and in Early Education and Childcare Statutory guidance for local authorities), a complaint can be submitted directly to the Head teacher.

## **19. In Conclusion:**

We sincerely hope that children, parents and staff will be able to work together in partnership and that and queries, concerns or complaints can be dealt with quickly and sensitively so as to maintain positive relationships and a strong working partnership between home and school.

## FLOW CHART OF PROCEDURES FOR HANDLING CONCERNS AND COMPLAINTS:

