



Complaints Procedure

Updated: April 2017
Review Cycle: 3 years

Complaints Procedure

Rationale

At Crestwood School we believe that our purpose is to serve the best interest of the children in the school. We believe this is best carried out by creating as open and transparent a system of organisation within the school as possible. We would hope that by maintaining regular contact with parents and by keeping to a policy that a serious complaint which required formal procedure would be rare. However, on these occasions we would wish to adopt a policy in line with Hampshire County Council recommendations.

Principles

- * All parents/carers have the right to voice any concerns they have about the school to the school itself.
- * Any complaints made to the school will be dealt with as soon as possible after they are lodged. If they wish this may involve writing to the Chair of Governors. Complainants should expect an initial response within 48 hours, although a more detailed response may take longer.
- * The school will endeavour to liaise with the complainant in the first instance to resolve and where necessary address concerns.

Practice

- * All general complaints about the school should in the first instance be referred to the school or appropriate member of staff (Subject Leader / Year Leader / Senior Leader).
- * General complaints made about the school, will in the first instance be dealt with by informal discussion between the complainant and the person to whom the complaint is made.

Where the issue is not resolved, the complainant should write a formal letter or email to the Head Teacher explaining their concerns.

If investigations fail to provide a response satisfactory to the complainant, the complaint should then be referred to the Chair of Governors or Local Authority.

Complaints Procedure

Aims

Underlying principles of a good complaints procedure

A clearly defined complaints procedure can prevent concerns from developing into major complaints or litigation and will strengthen parents/carers' confidence and relationships between parents, schools and communities.

Complaints policies and procedures represent a recognition that things can go wrong and that the school is committed to resolving concerns as quickly and effectively as possible. Crestwood wishes to encourage parents/carers to express their views on what goes on in the school, for example, through the Home/School Agreement and Parents' Evenings.

This procedure has been agreed by governors and aims to respond to all concerns and complaints in an open and consistent manner.

The procedure aims to:

- Resolve concerns through informal discussions at the earliest stage
- Be speedy, with well-defined timescales and named contacts
- Focus on resolution and review rather than blame
- Be accessible to people with disabilities, special needs or language barriers
- Promote confidentiality and discretion
- Include fair and transparent investigative processes for staff as well as complainants
- Indicate other sources of advice, such as Citizens Advice Bureau, parent / partnership services, Advisory Centre for Education, the LA complaints adviser
- Be forthright in dealing with vexatious, abusive, malicious and anonymous complaints.

The school's complaints procedure is published and easily accessible. All staff and governors are familiar with the procedure. Parents can request a copy from the school office by emailing justine.sayers@crestwood.hants.sch.uk.

Complaints that relate to school issues will not normally be considered outside the school until the full internal school procedure has been exhausted.

We keep records of complaints and promote a scheme for encouraging suggestions.

The process

A staged approach for dealing with complaints

The following procedure highlights the importance of the preliminary informal stage but describes a progressively more formal three-stage process to address unresolved concerns.

Procedures should help parents/carers feel confident that their concerns will be dealt with as quickly and effectively as possible.

The following stages are sequential. It would not normally be appropriate for any stage to be omitted.

The preliminary stage – an informal approach

We place great emphasis on this informal approach, to achieve a satisfactory resolution for all parties at the earliest opportunity. Effective communication systems and complaint-handling strategies will help in this.

Parents are encouraged to speak informally with the appropriate or designated member of staff as soon as they have a concern. The school procedure suggests this would be the Year Leader or a member of the Senior Leadership Team.

If the concern is about the Head Teacher, then the school encourages preliminary discussions between the parent/carer and Head Teacher. However, depending on the circumstances, parents may need to be advised to approach the chair of governors.

Most concerns are dealt with informally to everyone's satisfaction, but failing this, parents/carers need to know what the next stages of the process are.

Stage 1 – Head Teacher

Parents are advised to write, via a letter or email at krista.dawkins@crestwood.hants.sch.uk, to the Head Teacher, giving details of the concern and enclosing any appropriate paperwork.

A complaints form can be useful. We have a form which can be used if the parent/carer feels this is more appropriate (Appendix 1).

The Head Teacher, or designated Senior Leader, should respond to the parent/carer in writing, or by phone call, as soon as possible. Standard practice is to acknowledge the complaint or offer a full response within five days.

If the complaint requires an in-depth investigation, the Head Teacher will need to acknowledge this and let the complainant know that a full response will take longer than usual. Standard practice is to investigate the complaint and prepare a response within 20 days.

It is sometimes useful, following any meeting with parents, to summarise the main points in a follow-up letter or email. This may prevent any misunderstandings and ensure that all parties have a clear record of progress or agreements.

If a parent/carer remains dissatisfied, the Head Teacher will need to decide when to give a final response and refer the parent/carer to Stage 2 of the complaints process.

Stage 2 – Chair of Governors

At this stage, parents should write to, or email, the Chair of Governors, Angela Wright, c/o Crestwood School. She can be reached on angela.wright@crestwood.hants.sch.uk.

The procedure suggests that parents send written communication outlining their complaint, explaining the reasons for pursuing it beyond the Head Teacher's response and enclosing any relevant paperwork.

The timescales for acknowledging the complaint and making a response at this stage will be similar to those outlined for the Head Teacher.

This stage offers an opportunity for achieving collection between all parties. Informal discussions between the Chair of Governors and the Head Teacher are key to resolving the complaint and agreeing a way forward. This should prevent any further escalation of the disagreement.

The Chair of Governors will need to decide who is responsible for dealing with the issues involved, and therefore what powers are available to governors with respect to the particular complaint. Are the issues related to responsibilities that:

- i) are delegated to the Head Teacher by the governing body: or
- ii) fall within the Governing Body's remit only; or
- iii) are within the Head Teacher's terms and conditions of employment and relate to the internal organisation, management and control of the school?

For delegated responsibilities and matters within the remit of the Governing Body, the Chair may look at the whole issues afresh.

If the matter relates to the Head Teacher's conduct, the Chair of Governors will need to decide whether the matter should be dealt with through the complaints procedure or staff disciplinary procedure. Advice can be sought from the LA complaints adviser or Education Personnel Services.

For matters that are the Head Teacher's responsibility, the Chair of Governors is only empowered to look at whether the Head Teacher's decision or action was reasonable in the light of the information available at the time.

In the rare circumstance that a parent/carer is unhappy with the outcome, the Chair of Governors may offer a right of appeal to the Governing Body's complaints panel.

Stage 3 - Governing Body's complaints panel – reconsideration or review

The Governing Body has a complaints panel annually elected when setting up committees for the year. For complaints about the National Curriculum or Religious Education, this is the Achievement and Learning Committee.

Parents/carers who wish to appeal to the Governors should be advised to request this in writing to the Clerk to the Governing Body. Parents/carers should describe the issues in detail and say why they are dissatisfied with the outcomes of the previous stages.

Parents/carers should be reminded not to write to all Governors individually as this may make it difficult to set up a panel of three governors who have had no prior involvement in the case.

The Governors' powers should be made clear to parents/carers at Stage 2 and re-emphasised at this point. The two forms of appeal would be a reconsideration or a review.

Reconsideration

When the issues relate to delegated responsibilities, the panel can reconsider the matter, that is, look at the matter afresh, with any new information that the Head Teacher may not have been aware of at the time of the original response or action. In the light of additional information, the panel may decide to write and ask the Head Teacher to give the matter further consideration.

Complaints about a Governor should also be subject to a reconsideration of the issues.

Review

If the matter falls within the Head Teacher's decision-making remit by virtue of her terms and conditions of employment, then the panel will only have the power to review the decision not to consider the matter afresh. It may look at whether the decision or action was unreasonable. An unreasonable decision might be one that is irrational: a decision that no

reasonable Head Teacher, properly aware of their duties and properly taking into account the facts of the case before them, would make.

The panel will need to consider the facts as they were known to the Head Teacher at the time and then consider whether the Head Teacher:

- i) failed to take account of a relevant consideration: and / or
- ii) took into account an irrelevant consideration; and / or
- iii) made a 'perverse' decision in the light of the evidence available at the time.

If new evidence does come to light, the panel should refer it back to the Head Teacher, who may consider amending the decision in the light of that new information.

In deciding whether the Head Teacher's decision was perverse, the panel will need to judge whether the decision was one that, on the facts, was open to the Head Teacher to make; that is, within a reasonable range of responses in the light of the evidence available.

The clerk should arrange and facilitate the meeting.

The panel should consist of three governors with no prior involvement in the matter and the chair should be designated before the meeting. The meeting should be held in an informal atmosphere but should follow a formal agenda.

The clerk should inform the complainant in writing of the panel's decision, preferably within three school days following the meeting. The letter should include:

- A summary of the issues
- An outline of the main points of discussion
- The reasons for the decision
- Proposed actions or outcomes

The panel's letter may suggest that the parents/carers meet the Head Teacher again to agree a way forward.

For issues related to the National Curriculum or the provision of Religious Education, parents/carers will need to be told that they can appeal further to the LA.

For general complaints: this is the final stage of the school's complaints procedure. If a parent/carer believes that the Head Teacher's and Governors' actions have been unreasonable or the correct process has not been adhered to, the only recourse is to the Secretary of State. It may be helpful to advise parents to seek advice from the LA's complaints adviser at this point.

Stage 4 – local authority (LA)

The local authority (LA) offers a further right of appeal for parents who have exhausted the school's procedures, if the complaint is about:

- The National Curriculum and related matters
- Provision of collective worship and Religious Education

Outside the School – Role of the local authority (LA)

For general complaints about a school, the LA clearly has no remit or powers beyond reminding schools of their legal obligations. Therefore, for individual general complaints which relate to internal school matters and have exhausted the school's own complaints

procedure (that is, they have completed Stage 3), there is no right of appeal to the LA as it has no powers to direct the school to change its decision.

If a complaint cannot be resolved further, Head Teachers, Governors and parents/carers or other complainants may seek advice from the LA's complaints adviser.

In their procedures, Crestwood School reminds parents/carers that the Governing Body has a largely strategic role. This means it is responsible for the school's strategic framework including its aims and objectives, priorities and targets, and policies to achieve those aims and objectives. The Head Teacher is responsible for the internal organisation, management and control of the school and for advising on and implementing the governors' policies. The Head Teacher is solely responsible for making day-to-day decisions.

Secretary of State

If a parent wishes to pursue a complaint because they feel a school has acted unreasonable, they can write to the Secretary of State for Education.

The Secretary of State will contact the governing body and the LA for more detailed information. The Secretary of State has the power to direct the school to revise an action using the same criteria as applied by the governors.

Ombudsman

There is no 'school ombudsman'. The local government ombudsman will consider matters relating to the LA's responsibility but he cannot consider matters about the internal management of schools.

Handling complaints

Handling complaints effectively will ensure that parents/carers feel confident that staff will respond to any future complaint in a sensitive, non-defensive and sympathetic manner. Parents/carers need to feel assured of confidentiality and that their child will not be adversely affected.

An individual Governor should not respond to or investigate a complaint unless designated to do so.

When a parent approaches a member of staff about a concern that has not been resolved at the informal state, it is good practice to:

- Listen sympathetically without comment
- Explain the procedures; that is, what will happen next and who will deal with the issue
- Offer to help complete a complaints form if they would like

The member of staff will need to record the relevant details. It is advisable to keep records of any meetings or conversations, with a chronological record of events.

It is good practice to acknowledge written complaints or forms within five days and respond in full within 20 days.

It is particularly helpful to establish the desired outcomes at an early stage. Responses might include an apology, a review of a decision, an explanation, an assurance that the incident will not be repeated, a meeting with a member of staff or an official investigation.

If a complaint is complex and lengthy, the school should keep parents/carers informed of progress either by telephone or letter.

At the conclusion, the complainant should receive:

- A specific response rather than a standard reply
- Feedback on any outcomes which as an improvement in service or an agreement to review or amend a policy
- Advice on any further recourse or the telephone number of the LA's complaints adviser.

Difficult complainants

Vexatious complaints

In rare circumstances a complainant might, having exhausted the complaints procedure, persist with the complaint.

Complaints become vexatious when they are:

- Repeated and obsessively pursued; or
- Unreasonable or seeking unrealistic outcomes; or
- Reasonable but pursued in an unreasonable manner.

Governors may need to decide whether all future contacts should be

- Directed to, and only be dealt with by, a named individual
- Restricted, for example, to letter only.

If a conclusion has been reached about a complaint but the complainant continues to pursue it, the school may wish to consider writing:

- To reiterate that the matter is concluded and there will be no further correspondence
- To say that, if correspondence continues, it will be read and filed but will receive no acknowledgement
- To give a short response referring to previous documents that have already dealt with the matter.

Abusive complaints

Verbal aggression can be as intimidating as physical aggression. All parties have a right to be treated courteously and with respect. If staff feel threatened, they should report their fears to the Head Teacher who will consider:

- Writing to the complainant requesting that the behaviour cease
- Setting restrictions for further contact with staff
- Reporting the incident to the police.

Guidance on handling violent incidents can be found in "A Manager's Guide to Preventing and Managing Violence and Aggression at Work" and in the Violent Incident Report Form (Volume 3 of manual of personnel practice).

If a telephone caller becomes aggressive or offensive, the person taking the call should explain that they will end the call if the behaviour persists. If they need to hang up, they should record this action and any further incidents.

Repeated abusive or aggressive contacts can be considered as harassment and Head Teachers will need to consider reporting them to the police.

Schools can seek further advice from Legal Services in our Chief Executive's Department.

Anonymous complaints

Generally, schools should not respond to anonymous complaints. Nevertheless, the Head Teacher or chair of governors will need to consider whether:

- The issue and the fear of identification are genuine
- The issue is one of child protection.

Complaints Log

Please log all complaints received. When completed this form must be passed on to Line Manager who will pass on to Head Teacher.

Date of complaint:			
A. Source of complaint			
Parent (in writing including email)	<input type="checkbox"/>	Staff member	<input type="checkbox"/>
Parent (in person)	<input type="checkbox"/>	Anonymous	<input type="checkbox"/>
Parent (phone call)	<input type="checkbox"/>	Ofsted (include complaint number if known)	<input type="checkbox"/>
		Other (please state)	<input type="checkbox"/>
B. Nature of complaint (please tick all standards that the complaint relates to)			
Organisation	<input type="checkbox"/>	Bullying	<input type="checkbox"/>
Equipment	<input type="checkbox"/>	Food and Drink	<input type="checkbox"/>
Safety	<input type="checkbox"/>	Equal Opportunities	<input type="checkbox"/>
Health	<input type="checkbox"/>	Special Needs	<input type="checkbox"/>
Behaviour of class or individual	<input type="checkbox"/>	Working in Partnership with Parents	<input type="checkbox"/>
Teacher attitude	<input type="checkbox"/>	Child protection	<input type="checkbox"/>
Teacher aptitude	<input type="checkbox"/>	Documentation	<input type="checkbox"/>
Please give details of the complaint:			

C: How it was dealt with		
Internal investigation (general)	[]	
Investigation by LA	[]	
Internal investigation (SLT) (please state)	[]	
Please give details of any internal investigation and any outcomes:		
D: Actions and outcomes		
Internal actions	[]	
Education Personnel involvement	[]	
No action	[]	
Actions imposed or agreed with other agencies	[]	
Please give details:		
Record has been shared with parents? Yes /No		
Name of recorder:	Outcome notified to parent: Yes (within 28 days)	
	Date:	
Position:	Date Completed:	
Name:		
Signature		