

# **Ore Village Primary Academy Complaints Policy**

Ratified by governors: November 2017

Review: July 2019

Ore Village Primary Academy is dedicated to providing the best possible education and support for its pupils. This means having a clear, fair and efficient procedure for dealing with any complaints to or against the school, so that any issues that arise can be dealt with as swiftly and effectively as possible.

This policy explains the steps that will be followed whenever an issue arises that causes concern. Any person, including members of the general public, may make a complaint about provision of facilities or services that our school provides, unless separate statutory procedures apply

It is important to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the number that develop into formal complaints.

At OVPA we aim to resolve problems by informal means wherever possible - without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concerns informally.

In most cases the class teacher will receive the first approach. It is helpful if staff are able to resolve issues on the spot, including offering an apology where necessary. If the staff member cannot resolve the issue, then we ask that a member of the senior leadership team is approached to resolve the concern.

The formal procedures will be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

The complaints procedures should:

- encourage resolution of problems by informal means wherever possible
- be easily accessible and publicised
- be simple to understand and use
- be impartial
- be non-adversarial
- allow swift handling with established time-limits for action and keeping people informed of the progress
- ensure a full and fair investigation by an independent person where necessary
- respect people's desire for confidentiality
- address all the points at issue and provide an effective response and appropriate redress, where necessary

## **Resolving complaints**

At each stage a potential resolution should be considered. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the event complained of will not recur

- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review school policies in light of the complaint It is useful if complainants are encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence. The procedure should aim to identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

## **The stages of complaints**

At OVPA, the formal complaints procedure has three well-defined stages. At each stage it is important to clarify exactly who will be involved, what will happen, and how long it will take. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the head teachers after a meeting with the complainant.

For detail regarding the stages please see the **Appendix**.

## **Recording complaints**

It is helpful if the progress of the complaint and the final outcome are recorded. A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, it is helpful if the member of staff has ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

## **Unreasonably persistent complaints**

It is our aim that the procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of Governors is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

## **Governing body review of complaints**

The governing body monitors the level and nature of complaints the school receives and reviews the outcomes on a regular basis to ensure the procedure is operating effectively and to make any amendments where necessary. Preferably, complaints information shared with the whole governing body will not name individuals. As well as addressing an individual's complaints, the process of listening to and resolving complaints contributes to school improvement. The monitoring and review of complaints by the school and the governing body is a useful tool in evaluating the school's performance.

## **Publicising the procedure**

The complaints procedure is publicised on the school website.

## Appendix 1

This procedure does **not** apply to complaints about:

- Admissions to school
- Statutory assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Matters likely to require a Child Protection investigation
- Exclusion of children from school
- Whistleblowing
- Staff grievance and disciplinary procedures
- Complaints about services provided by other providers who may use the school's premises or facilities

In these cases, there are other separate and statutory procedures.

**NB *The school will not respond to anonymous complaints under this policy***, however, the head teachers and / or chair of governors will consider whether the issue and fear of identification are genuine or the issue is one of child protection.

For more information on our school's provision for protecting our pupils, please refer to our Safeguarding Policy which is available in the main Policy File on the website and in the Staff Room.

If we cannot meet the timescales set out in our policy, we will provide a clear explanation of the reason for this along with details of the indicative timescales.

### When an issue or concern first arises

If you have a concern that you would like to take up with the school you should initially inform a member of staff either in person, over the telephone or in writing. You may wish to approach your child's class teacher first as they will be best placed to help you directly or by letting you know which other member of staff you should be speaking to.

We encourage parents to approach staff with any concerns they may have, and aim to resolve all issues with open dialogue and mutual understanding. We will take your concerns seriously and make every effort to resolve the matter as quickly as possible.

The chair of governors reserves the right to refer complaints that are taken straight to them back to the appropriate member of staff if it does not warrant the governing body's involvement at that point.

### Initial informal meeting

When a concern has been received, you may receive a telephone call from the member of staff or the head teachers to discuss your concerns, or you may be invited to attend a meeting with a member of staff or the head teachers to discuss your concerns.

If invited to a meeting, you are welcome to bring a friend, partner or, in the case of a pupil who has raised a concern, a parent along for support. It may be appropriate for a pupil to attend the meeting if their parent has raised a concern, depending on the nature of the issue.

Staff have a responsibility to ensure that you understand any future points of action that have been agreed and will make a record of what has been discussed, as well as any outcomes and a plan of action, if one has been agreed.

All staff will do their best to ensure your concerns are dealt with appropriately and efficiently, but if an agreement cannot be reached, or if you are dissatisfied with the outcome, you can make a formal complaint to the head teachers.

If your complaint is about the head teachers you should make your complaint in writing to the chair of governors. It is preferable for you to make your formal complaint in writing, but complaints can be made in person or by telephone.

There is no prescribed timescale for resolution at this stage given the importance of dialogue and informal discussion, although we expect to resolve most issues within 10 school days.

## Formal Complaints

In order to ensure complaints are dealt with efficiently and effectively, Ore Village Primary Academy deals with formal complaints in three stages.

### Stage 1 – Complaint heard by the head teachers

If you feel that your concern has not been dealt with as you would like, are unhappy with the outcome of your informal meeting or feel that the issue is serious enough that it warrants it, you can make a formal complaint to the head teachers in writing. The school will let you know within 5 working days that it has received your formal complaint.

The head teachers will keep a record of all interactions with you and other staff, meetings and decisions made in reference to your complaint.

The head teachers may invite you to attend a meeting to discuss your complaint and possible solutions, or to explain what has happened or will happen as a result of your complaint.

You will be given the results of the head teachers' investigation in writing within 15 working days.

If your complaint is about a member of staff, the head teachers will talk to that employee and invoke the relevant procedure if required. ***It will not be appropriate to inform you of the outcome of any investigation in relation to an individual member of staff.***

If the head teachers have decided not to take any further action, they will explain what they have decided and how they reached the decision. You will also be advised of your right to take the matter further if you are not satisfied with the head teachers' response.

### Stage 2 – Complaint heard by the Chair of Governors

If, having spoken to the head teachers, you are dissatisfied with the outcome of your complaint, you should write to the chair of governors within 10 school days, explaining your concern and the steps that have resulted in you taking this course of action.

The chair of governors will acknowledge your complaint in writing or offer a full response within 5 school days. If further investigation is required, the chair of governors will acknowledge receipt of your complaint within 5 school days and will advise you that a full response will be provided within 20 school days.

The chair of governors may invite you to attend a meeting to discuss your complaint and possible solutions, or to explain what has happened or will happen as a result of your complaint.

The chair of governors will explain that the governing body has a **strategic role**, and is responsible for the school's strategic framework and the head teachers are responsible for the internal organisation, management and control of the school and for advising on and implementing the governors' policies. The head teachers are solely responsible for making day to day decisions.

This stage offers an opportunity for achieving conciliation between all parties and discussions between the chair of governors and the head teachers will be key to resolving the complaint and agreeing a way forward.

The chair of governors will decide what powers are available to governors in respect of the particular complaint. In reaching this decision, the chair of governors will determine to what extent the issues relate to responsibilities that:

- (a) are delegated to the head teacher by the governing body; or
- (b) fall within the governing body's remit only; or
- (c) 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 of governors may look at the whole issue afresh.

If the matter relates to the head teachers' conduct, the chair of governors will decide whether the matter should be dealt with through the Complaints Procedure or Staff Disciplinary Procedure. Advice may be sought from the Local Authority and/or Education Personnel Services.

For matters that are the head teachers' responsibility, the chair of governors is empowered only to look at whether the head teachers' decision or action was reasonable in the light of the information available at the time.

The chair of governors will keep a record of all interactions with you and any decisions made in reference to your complaint. If the chair of governors has decided not to take any further action, they will explain what they have decided and how they reached the decision. You will also be advised of your right to take the matter further if you are not satisfied with the chair of governor's response.

Exceptions to this time frame may be considered.

### **Stage three - Complaint heard by governing body's complaints panel**

If you are dissatisfied with the outcome of your complaint, you should write to the clerk to governors within **10 school days** of the outcome of stage 2, explaining your concern and the steps that have resulted in you taking this course of action.

The clerk to governors will acknowledge receipt of your request within **5 school days**.

The complaints panel will usually be convened within **20 school days** of receiving the request for your complaint to be heard by the governing body's complaints panel. Where it is not possible to find a mutually convenient date within that timescale, all reasonable steps will be taken to agree a time and date mutually convenient to all parties.

The main function of the complaints panel will be to:

- a) ensure the complaint has been properly handled by the head teachers (and chair of governors)

- b) ensure that a sufficient comprehensive investigation was carried out
- c) ensure that the correct procedure / policies were followed.

The panel will also review whether the head teachers (and chair of governors) acted reasonably.

The clerk to governors will arrange and facilitate the meeting of the complaints panel. You are entitled to an independent panel to hear your complaint and the complaints panel will consist of three governors who have no former knowledge or involvement in the matter being considered. The chair of the panel will be nominated from within the group of panel members. All panel members will have access to, and will be familiar with, this complaints policy.

The clerk to governors will confirm to all parties in writing, the date, time and venue for the meeting at least **10 school days in advance**.

The clerk to governors will request that you supply any paperwork you feel the panel will require to consider your complaint fully. The head teacher (and chair of governors) will also be requested to supply copies of their responses to the previous stages of the procedure, and any further paperwork they consider the panel will require to consider the complaint fully.

Copies of all paperwork will be distributed to all parties by the clerk to governors at least **3 school days** in advance of the meeting.

You are welcome to bring a friend or partner for support to the meeting and the chair of the panel will ensure the meeting is conducted within a relaxed atmosphere whilst keeping to the formal agenda.

The head teachers (and chair of governors if attending) are also invited to bring a representative or member of staff for support. **No previously undisclosed evidence relating to the complaint should be introduced during the meeting.**

The clerk will inform you (and the head teacher and / or chair of governors) in writing of the panel's decision within **5 school days** of the meeting. The letter will include a summary of the issues, an outline of the main points of discussion, the reasons for the decision and the proposed actions or outcome.

The panel may suggest you meet with the head teachers and / or chair of governors again to agree a way forward. The letter may set out recommendations which will be made to the governing body. The panel's decision is the final stage in the complaints procedure. If you feel the school has acted unreasonably or has not followed the correct procedures in relation to your complaint, you may write to the Secretary of State using the following contact details: School Complaints Unit, Department for Education, 2nd Floor, Piccadilly Gate, Store Street, Manchester, M12 WD2

Exceptions to this time frame may be considered.

## **Unreasonable Complaints**

Ore Village 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. Operating from a position of mutual respect, 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.

Ore Village Primary Academy defines unreasonable complaints 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 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 school’s 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 comments 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 a complaint where the school’s complaint procedure has been fully and properly implemented and completed including referral to the Department for 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 teachers or chair of governors will discuss any concerns with the complainant informally before applying an ‘unreasonable’ marking.

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

## **Governing Body review and monitoring of complaints**

The head teachers will report annually to the governing body on the number of formal complaints received and the levels at which they have been resolved. No details identifying the complaint or any member of staff will be published. The governing body will review and evaluate all complaints no matter how far they are taken or what the outcome to ensure that similar problems are avoided in the future or to see if they could have been managed any more efficiently.

## **Staff Complaints**

Staff who have a concern about a colleague or volunteer in school should refer to the whistleblowing policy which is available in the main Policy File and in the Staff Room. The procedure for dealing with any other staff complaint or employment grievance is set out in the school's staff discipline, conduct and grievance policies which are available in the main Policy File on the website and Teaching and Learning Drive.

## **Complaints Policy Review**

The governing body will review this policy every 2 years, or sooner if there are any legislative changes. The governing body will also review this policy following a complaint panel meeting to ensure that it met the requirement to provide a clear, fair and efficient complaints procedure.

## **Exceptions**

Who to contact

- Admissions to schools
- Statutory assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Matters likely to require a Child Protection Investigation Concerns should be raised direct with local authorities (LA).

For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.

- Exclusion of children from school Further information about raising concerns about exclusion can be found at: [www.gov.uk/school-disciplineexclusions/exclusions](http://www.gov.uk/school-disciplineexclusions/exclusions)
- Whistleblowing Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk) or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.
- Staff grievances and disciplinary procedures These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
- Complaints about services provided by other providers who may use school premises or facilities. Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

It may be necessary for the governing body to call a complaints panel meeting. The complainant will be told in advance about the process and what will happen at the meeting of the Panel. The complainant will be invited to attend. The outcome of the investigation will be shared with the complainant within 5 working days after the Panel meeting.

If you go through all three stages and remain dissatisfied, please contact:- Secretary of State, Department for Education Sanctuary Buildings Great Smith Street London SW1P 3BT  
Tel: 0370 000 2288 <http://www.education.gov.uk/help/contactus>