

# **Ombersley Endowed First School Complaints Procedure**

We operate an open-door policy at Ombersley, and encourage parents to come in to discuss any issues. We recognise that the education and well-being of children is promoted when there is good communication and an active partnership between home and school.

## **Introduction**

We strive to provide a good education for all our children at Ombersley. The headteacher and staff work very hard to build positive relationships with all parents. However, the school is obliged to have procedures in place in case there are complaints by parents or guardians. The following policy sets out the procedures that the school follows in such cases.

If any parents are unhappy with the education that their child is receiving, or have any concerns relating to the school, we encourage them to talk to the child's class teacher immediately.

## **Aims and objectives**

Our school aims to be fair, open and honest when dealing with any complaint. We give careful consideration to all complaints, and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding. In all cases, we put the interests of the child above all else. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

## **General Principles:**

- This procedure is intended to allow you to raise a concern or complaint relating to the school, or the services that it provides.
- An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.
- To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than 3 months after the event, being complained of, will not be considered.

## **Raising a concern or complaint**

### **1) Informal Stage**

If a parent is concerned about anything to do with the education that we are providing at our school, they should, in the first instance, discuss the matter with their child's class teacher. In our experience, most matters of concern can be resolved positively in this way. All teachers work very hard to ensure that each child is happy at school and is making good progress; they naturally want to know if there is a problem, so that they can take action before it seriously affects the child's progress. We endeavour to see parents immediately, but when this is not possible an appointment will be given at the earliest convenience.

Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage.

Where parents feel that a situation has not been resolved through contact with the class teacher, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the headteacher. The headteacher considers any such complaint very seriously, and investigates each case thoroughly. Most complaints are normally resolved by this stage.

Should any parents have a complaint about the headteacher, they should first make an informal approach to one of the members of the governing body, who is obliged to investigate it. The governor in question will do all s/he can to resolve the issue through a dialogue with the school, but if parents are unhappy with the outcome, they can make a formal complaint, as outlined below.

If you are uncertain about who to contact, please seek advice from the school office or the Chairperson of the governing body.

### **2) Formal Stage**

If the complaint is about the Head Teacher, your complaint should be passed to the Chair of the governing body.

You should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

It is very important that you include a clear statement of the actions that you would like the school to take to resolve your concern. Without this, it is much more difficult to proceed.

Please pass the completed form, in a sealed envelope to the school office. The envelope should be addressed to the Head Teacher, or to the Chairperson of the governing body, as appropriate.

The Head Teacher (or Chair) may invite you to a meeting to clarify your concerns and to explore the possibility of an informal resolution. If you accept that invitation, you may be accompanied by a friend, if you wish, to assist you in explaining the nature of your concerns.

It is possible that your complaint will be resolved through a meeting with the Head Teacher (or Chair). If not, arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case you should learn in writing, usually within 5 days of the school receiving your formal complaint, of how the school intends to proceed. This notification should include an indication of the anticipated timescale.

Any investigation will begin as soon as possible and when it has been concluded, you will be informed in writing of its conclusion.

If you are not satisfied with the manner in which the process has been followed, you may request that the governing body reviews the process followed by the school, in handling the complaint. Any such request must be made in writing to the Chairperson of the governing body, within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed. A Review Request form is provided for your convenience.

## **Review Process**

Any review of the process followed by the school will be conducted by a panel of 3 members of the governing body. This will usually take place within 10 school days of receipt of your request.

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

### Contact/Complaints Triage Table

<b>Nature of Contact</b>	<b>Appropriate person to receive contact</b>	<b>Relevant Policy/Procedure</b>
Request for published information	School Office	FOI Act Charging Policy
Request for personal pupil information	Head Teacher or Senior member of staff	DPA Charging Policy
Complaint about GB policy (content or application of)	Chair	General Complaints Procedure
Concern about provision of facilities or services by the school	Head Teacher Chair	General Complaints Procedure
Allegation about conduct of a member of staff	Head Teacher Or Chair (if allegation against head)	School Staff Discipline Procedure (Confidential to School and Employee)
Allegation of verbal or physical assault by employee on pupil	Head Teacher OR Safeguarding Designated person Or Chair (if allegation against head)	Local Safeguarding Procedures (Confidential to school, LA CPO and parents of alleged victim)
Allegation about capability of a member of staff	Head Teacher Or Chair (if allegation against head)	School Staff Competence Procedure (Confidential to School and Employee)
Conduct of another pupil (e.g. bullying)	Head Teacher or Senior member of staff	School behaviour and discipline procedures (Confidential to School and parents of alleged perpetrator)
Discipline of a pupil	Head Teacher or Senior member of staff	School behaviour and discipline procedures (Confidential to School and parents of pupil)
Content of /Failure to maintain a statement of SEN	Head Teacher /SENCO LA	LA procedures
Admissions	Chair/Clerk (Foundation/VA) LA (Community/VC)	Admissions Procedure Admissions Appeal Procedure
Exclusion	Chair/Clerk (Foundation/VA) LA (Community/VC)	Exclusion Appeal Procedure
Failure to provide NC Entitlement or Inappropriate Curriculum	Head Teacher Clerk to GB LA	LA Procedure
Extended Services	Manager of relevant service	Procedures of Service Provider
Decision to remove licence for a person to enter school premises (banning)	Chair	GB Appeal Committee

## **Stage 3: Complaint heard by Governing Body Complaints Appeal Panel**

### **a/ Complaints Panel**

If the school receives a formal complaint about one of the limited number of matters, that is not dealt with by another statutory process, it may be necessary to convene a governing body panel to consider the matter and formulate a response.

The complaint is likely to relate to matters such as:

<sup>35</sup><sub>17</sub> the content or the application of a governing body policy

<sup>35</sup><sub>17</sub> school facilities

<sup>35</sup><sub>17</sub> services that the school provides

If a governing body committee already has delegated power with respect to a policy that is being complained of, a panel of members from that committee should be convened. Otherwise the clerk should convene a panel of 3 governors, who have not previously been involved with the complaint.

The complainant should submit the details of their concerns, in writing, to the clerk. The clerk will seek similar written responses from the school, where this is necessary.

A meeting of the panel will take place, usually within 10 school days, to consider the matter. The complainant (who may be accompanied by a friend if they wish) and representative(s) from the school (who may also be accompanied by workplace colleagues or representatives from their professional associations) may be invited to attend this meeting in order to clarify the matter. As the panel meeting is intended to be investigatory, rather than adversarial, the persons giving evidence or making representations to the panel will normally attend separately.

When the panel has collected sufficient information, it will deliberate and then inform the complainant, the Head Teacher and the governing body of the outcome, in writing.

Consideration of the complaint by the governing body and the school, save for any actions that are agreed, will terminate at this point.

If the complainant is not satisfied that the appropriate procedure has been followed, they may request a review of that process by another panel of the governing body.

Parents can access support from the Parent Partnership Service:

[www.worcestershire.gov.uk/cms/parent-partnership](http://www.worcestershire.gov.uk/cms/parent-partnership)

## **b/ Review Meeting**

Any review of the process followed by the school will be conducted by a panel of 3 members of the governing body. This will usually take place within 10 school days of receipt of a written request.

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

The panel will first receive written evidence from the complainant.

The panel will then invite representatives of the school (usually the Head Teacher or the Chair of the governing body panel that has considered the matter), as appropriate, to make a response to the complaint.

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

The complainant and the school representative(s) will be informed in writing of the outcome, usually within 5 school days of the panel meeting.

The matter will then be closed as far as the school is concerned.

## **Stage 4: If a complaint is not resolved**

If a complaint is not resolved parents/carers should refer their complaint to the Secretary of State for Education, Sanctuary Buildings, Great Smith Street, London, SW1P 3B7

Policy Reviewed: January 2014

*C. Moore*

Review annually

# Appendices

## Model Letters

### Appendix 1

#### School: Meeting Request Form

I wish to meet ..... to discuss the following matter:

<p>Brief details of topic to be discussed:</p>   
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<p>Dates/times when it would be most convenient for a meeting:</p>  
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<p>Your name:</p> <p>Relationship with school (e.g. parent of a pupil on the school roll):</p> <p>Pupil's name (if relevant to the matter to be discussed)</p> <p>Your Address:</p>   <p>Telephone numbers</p> <p>Daytime: <span style="margin-left: 100px;">Evening:</span></p> <p>e-mail address:</p>
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**Signed** ..... **Date** .....

[Please complete this form and return it to the school office]

<p>School use:</p> <p>Date Form received: <span style="margin-left: 100px;">Date response sent:</span></p> <p>Received by: <span style="margin-left: 100px;">Response sent by:</span></p>
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## Appendix 2

### Ombersley Endowed First School Formal Complaint Form

Please complete this form and return it, via the school office, to the Head Teacher (or Chair of the governing body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Relationship with school (e.g. parent of a pupil on the school roll):

.....

Pupil's name (if relevant to your complaint):

.....

Your Address:

Telephone numbers

Daytime:

Evening:

e-mail address:

Please give concise details of your complaint, (including dates, names of witnesses etc...), to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =



What action, if any, have you already taken to try to resolve your complaint?  
(i.e. who have you spoken with or written to and what was the outcome?)

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

School use:  
Date Form received:  
Received by:  
Date acknowledgement sent:  
Acknowledgement sent by:

Complaint referred to:			
Date:			

### Appendix 3

#### Ombersley Endowed First School Complaint Review Request Form

Please complete this form and return it to Head Teacher (or Chair of the governing body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Your Address:

Telephone numbers:

Daytime:

Evening:

e-mail address:

Dear Sir

I submitted a formal complaint to the school on ..... and am dissatisfied by the procedure that has been followed.

My complaint was submitted to ..... and I received a response from ..... on .....

I have attached copies of my formal complaint and of the response(s) from the school.

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

School use  
Date Form received:  
Received by:  
Date acknowledgement sent:  
Acknowledgement sent by:

Request referred to:			
Date:			

## **Appendix 4:**

### **a) Response to spurious complainant**

Dear

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under the Governing Body's Complaints Procedure as:

*[It will be appropriate to include SOME of the following statements]*

- You have not identified any specific actions of which you might complain
- Your concerns are presented as conclusions rather than specific actions of which you complain.
- The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- The substance of your complaint has been addressed under this procedure already.
- The concerns that you raise do not fall within the scope of this procedure.
- You have not identified any potential sources of evidence which might allow the matter to be investigated.

If you wish my decision to be reviewed then you may take advantage of the procedure set out in the school's Formal Complaint Procedure, by writing to the Chair of the Governing Body.

Yours sincerely,

Head Teacher  
Or Chair of Governing Body

## **Appendix 5**

### **Acknowledgement of receipt of formal complaint *and* invitation to meet**

Dear .....

I have received your formal complaint, dated ..... . I am grateful that you have brought this to my attention.

The school and governing body take any complaint most seriously. Therefore I would like to meet with you, as soon as possible, so that I may understand the details of your concerns more clearly. You are welcome to be accompanied to the meeting by a friend, if you would find this helpful. Please telephone....., in order to arrange an appointment./ I can offer you an appointment at .... on ,..... Please let me know if this is convenient.

I hope that we will be able to resolve your concerns through our meeting, but if not I will ensure that the appropriate investigation takes place. This should begin within 5 days of our meeting.

Yours sincerely,

Head Teacher  
Or Chair of Governing Body

## Appendix 6

### **Acknowledgement of receipt of formal complaint referred by a third party [e.g. LA, Diocese, MP]**

Dear .....

I have received a copy of the documentation that you sent to ..... setting out a complaint about ..... . This has been passed to the school as it has responsibility for these matters.

The school and governing body take any complaint most seriously. Therefore I would like to meet with you, as soon as possible, so that I may understand the details of your concerns more clearly. You are welcome to be accompanied to the meeting by a friend, if you would find this helpful. Please telephone ....., in order to arrange an appointment./ I can offer you an appointment at ..... on ..... . Please let me know if this is convenient.

Meanwhile I would be grateful if you would complete and return the Formal Complaint Form that is enclosed, along with details of the school's complaints procedure.

I hope that we will be able to resolve your concerns through our meeting, but if not I will ensure that the appropriate investigation takes place. This should begin within 5 days of our meeting.

Yours sincerely,

Head Teacher  
Or Chair of Governing Body

## **Appendix 7**

### **Acknowledgements of receipt of formal complaint and advising complainant that the matter has been referred\_**

Dear .....

I have received your formal complaint, dated ..... . I am grateful that you have brought this to my attention.

However, the matters that are of concern to you are the responsibility of the governing body/Pupil Discipline Committee/LA/Diocese/service provider, so I have forwarded your documentation to ..... . You should be contacted, in the near future, to be advised of how they intend to proceed.

If I can be of any further assistance, please do let me know.

Yours sincerely,

Head Teacher

## Appendix 8

### **Acknowledgements of receipt of formal complaint and advising complainant that the matter is being dealt with under a confidential school procedure**

Dear .....

I have received your formal complaint, dated ..... . I am grateful that you have brought this to my attention.

The school and governing body take any complaint most seriously. Therefore I have initiated an immediate investigation. It is possible that the investigator will wish to meet with you to clarify the evidence that you have provided so far. If so, he/she will write to you to make suitable arrangements.

As your concerns relate to the conduct/capability of a member of staff, the investigation will be carried out under the school's personnel procedures. This means that the detail of the procedure and its outcome must remain confidential to the school and the member of staff concerned.

OR

As your concerns relate to the behaviour of a pupil, the investigation will be carried out under the school's pupil conduct and disciplinary procedures. This means that the detail of the procedure and its outcome must remain confidential to the school and the parents of the child concerned.

In due course, I may be able to provide you with some information about the outcomes of the investigation and the processes that have been followed, but in any event will let you know when the matter has been concluded.

If I can be of any further assistance, please do let me know.

Yours sincerely,

Head Teacher  
Or Chair of Governing Body



## Appendix 9

### NOTIFICATION OF DECISION REGARDING FORMAL COMPLAINT

Dear

Following receipt of your complaint and careful consideration of all the available relevant evidence, I/the panel have/has concluded that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld. If you are able to provide additional evidence forthwith I/we will reconsider this decision.

**OR**

- The concern is not substantiated by the evidence in that .....

**OR**

- The concern was substantiated in part/in full, as ..... The school will review its practices/procedures..... with the intention of avoiding any reoccurrence. Parents will be informed in due course of any policy changes.

**OR**

- In order to address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur

**OR**

- In order to address fully the matters of concern that you identified, the panel recommended that the governing body should review its ..... policy, as a matter of urgency. We are confident that this should prevent similar concerns arising in future.

I hope that we may now put this matter behind us and work together for the benefit of your child's progress.

Yours sincerely,

Head Teacher/Chair of Governing Body/Chair of Panel

## **Appendix 10**

### **REVIEW OUTCOME NOTIFICATION**

Dear

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the school followed the relevant procedure appropriately in respect of your complaint.

Summary of reasons .....

Therefore, the matter is now closed as far as the school is concerned.

**Or**

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the school followed the relevant procedure appropriately in respect of your complaint except .....

Therefore, the following action will be taken .....

Once this action has been completed the school will consider the matter to be closed.

**Or**

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the school followed the relevant procedure appropriately in respect of your complaint except .....

However the panel determined that this procedural failure did not affect the outcome of the consideration of your complaint so, while we regret this error, we will now consider this matter to be closed as far as the school is concerned.

Yours sincerely,

Chair of Complaints Review Panel

c.c. Head Teacher  
Chair of Governors

## Appendix 11

### **Ombersley Endowed First School Policy For Handling Unreasonably Persistent, Harassing Or Abusive Complainants**

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. There is a procedure for parents to use if they wish to make a formal complaint.

Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community.

The aim of this leaflet is to provide information about our school policy on unreasonably persistent complainants or harassment of staff.

#### What do we mean by 'an unreasonably persistent complainant'?

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include:

- <sup>35</sup><sub>17</sub> actions which are
- out of proportion to the nature of the complaint, or
  - persistent – even when the complaints procedure has been exhausted, or
  - personally harassing, or
  - unjustifiably repetitious
- <sup>35</sup><sub>17</sub> an insistence on
- pursuing unjustified complaints and/or
  - unrealistic outcomes to justified complaints
  - pursuing justifiable complaints in an unreasonable manner (eg using abusive or threatening language; or
  - making complaints in public or via a social networking site such as Facebook; or
  - refusing to attend appointments to discuss the complaint.

## What is 'harassment'?

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

Behaviour may fall within the scope of this policy if:

- <sup>35</sup><sub>17</sub> it appears to be deliberately targeted at one or more members of school staff or others, without good cause;
- <sup>35</sup><sub>17</sub> 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;
- <sup>35</sup><sub>17</sub> it has a significant and disproportionate adverse effect on the school community.

## What does the school expect of any person wishing to raise a concern?

The school expects anyone who wishes to raise concerns with the school to:

- <sup>35</sup><sub>17</sub> treat all members of the school community with courtesy and respect;
- <sup>35</sup><sub>17</sub> respect the needs of pupils and staff within the school;
- <sup>35</sup><sub>17</sub> avoid the use of violence, or threats of violence, towards people or property;
- <sup>35</sup><sub>17</sub> recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- <sup>35</sup><sub>17</sub> follow the school's complaints procedure.

## Schools' responses to unreasonably persistent complaints or harassment

This policy is intended to be used in conjunction with the school's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty.

However, in cases of unreasonably persistent complaints or harassment, the school may take some or all of the following steps, as appropriate:

- <sup>35</sup><sub>17</sub> inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
- <sup>35</sup><sub>17</sub> inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/ Harassment Policy;
- <sup>35</sup><sub>17</sub> 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;

<sup>35</sup><sub>17</sub> 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.

## Physical or verbal aggression

The governing body will not tolerate **any** form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- <sup>35</sup><sub>17</sub> ban the individual from entering the school site, with immediate effect;
- <sup>35</sup><sub>17</sub> request an Anti-Social Behaviour Order (ASBO);
- <sup>35</sup><sub>17</sub> prosecute under Anti-Harassment legislation.
- <sup>35</sup><sub>17</sub> 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 the Unreasonably Persistent Complaints/ Harassment Policy. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.

## Summary of Process to Resolve Complaints

