



**EDMUND WALLER PRIMARY SCHOOL**

# **COMPLAINTS POLICY**

<b>Approved by the Governing Body on (date):</b>	<b>June 2021</b>
<b>Signed (Headteacher):</b>	<b>Anne Rennie</b>
<b>Signed (Chair of Governors):</b>	<b>Arjun Medhi</b>
<b>Signed (Link Governor):</b>	<b>Djaffar Ziriati</b>
<b>Next Review Date (term/year):</b>	<b>Summer 2022</b>

## 1. Introduction

### 1.1 Introduction

Since 1 September 2003 Governing Bodies of all maintained schools and maintained nursery schools in England have been required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides. This does not limit complainants to parents or carers of pupils registered at a school. A complainant could be a member of the wider community or representing an ex-pupil. The law also requires the procedure to be publicised.

#### Aims of the Policy

To set out procedures for responding to complaints made against the school.

To ensure that the school operates in line with the Department for Education Best Practice Advice for School Complaints March 2019. To this end we have ensured that this policy and procedure is:

- simple to understand and use
- impartial and non-adversarial
- enables a full and fair investigation
- where necessary respects confidentiality
- addresses all the points at issue and provides an effective response and appropriate redress, where necessary
- provides information to the school's senior management team so that services can be improved

#### Dealing with concerns – informal procedures

A 'concern' is 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. All concerns should be treated seriously. The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The school will address informal concerns seriously at the earliest stage in order to reduce the need for lengthy and time-consuming formal procedures.

#### Dealing with complaints – formal procedures

A complaint is 'an expression or statement of dissatisfaction about actions taken or a lack of action'. All complaints should follow the formal procedures outline below and should only 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.

## 2. Contact/Complaints Triage Table

Nature of Contact	Appropriate person to receive contact	Relevant Policy/Procedure
Request for published Information	School Office	Freedom of Information Act
Request for personal pupil Information	Head Teacher or Senior member of staff	Data Protection Act Charging Policy
Complaint about GB policy [content or application of]	Clerk/Chair	General Complaints Procedure
Unreasonable exercise of discretion by Head Teacher.	Head Teacher/Chair	General Complaints Procedure
Allegation about conduct of a member of staff	Head Teacher or Chair [if allegation against Head]	Safeguarding Policy or School Staff Discipline Procedure – (Confidential to School and
Allegation of verbal or physical assault by employee on pupil	Head Teacher OR Child Protection co-ordinator Or Chair [if allegation against Head]	Safeguarding Policy and Local Child Protection 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]
Conduct of third party providers of community facilities or services and others using the school's premises	Third party provider etc.	Complaints policy of third-party providers etc.
Complaint by member of staff	Head Teacher or Chair (if grievance concerns Head)	Staff grievance procedure [available from Head, school office or shared network folder]

### 2.1 Interpretation:

- i) all references to parents include prime carers and legal guardians;
- ii) all reference to “days” in this policy means ordinary working school days and excludes training days, bank holidays and days on which the school is closed for whatever reason.

If assistance with translation or writing is required, the school is responsible for making appropriate arrangements.

## 3. General Principles

3.1 The aim of the procedure is to bring about a resolution and/or reconciliation as informally and quickly as may be reasonably possible. It is intended to be investigatory, not adversarial, and to allow for an impartial and fair investigation to be undertaken.

3.2 Edmund Waller School expects anyone who wishes to raise problems with the school to:

- treat all school staff with courtesy and respect;
- respect the needs of pupils and staff within the school;
- avoid the use of violence (including threats of violence) towards people or property;
- recognise the time constraints under which members of staff in schools work<sup>1</sup> and allow the school a reasonable time to respond to a complaint;
- recognise that resolving a specific problem can sometimes take some time;

3.3 All complaints will be dealt with in confidence and matters put to the Governing Body Complaints Review Panel will remain confidential to those governors. Edmund Waller School would ask complainants likewise to treat matters complained of as confidential.

3.4 A concern or complaint should be considered as soon as practicable. To allow for 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, except in exceptional circumstances.** Exceptional circumstances might include serious concerns such as child protection issues or bullying allegations where the school might either involve appropriate external agencies (all child protection issues) or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

3.5 If an additional or separate complaint is introduced by the complainant or a witness during any stage of the investigation, that complaint must be referred for initial investigation by the head or governor as a separate matter. Thereafter, if the complaint proceeds to Stage 3 it may, at the option and discretion of the Governing Body Complaints Review Panel, be consolidated and considered together with other complaints relating to the same matters.

3.6 In general, information about children is confidential. However, parents are entitled to a copy of their own child's educational record should they request one. Confidential personal documents relating to members of staff or information relating to other pupils will not be disclosed.

3.7 Ideally, governors involved with the complaints process should receive training.

3.8 An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.

## **4. Raising a Concern or Complaint**

### **4.1 Procedure**

#### **4.2 Stage 1 – Informal, directly to the staff member concerned**

4.2.1 For most concerns it is normally appropriate to communicate directly with the member(s) of staff involved.

4.2.2 In the first instance, a concern can be expressed in person, by telephone or in writing. The concerned person should tell the member of staff that they want to talk about a concern. In most cases the matter will be resolved on the spot.

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<sup>1</sup> This may include the EU Working Time Directive.

4.2.3 The concern becomes a complaint if the person concerned remains unhappy and wishes to take the matter further. They should ask the member of staff for a more formal meeting when their complaint can be fully discussed – see Stage 2.

4.2.4 However, if it appears to the member of staff that the concern or complaint

- is serious, or
- outside the staff member's responsibility, or
- the member of staff otherwise feels unable to deal with the issue further (for example, where they are subject to intimidating behaviour by the complainant),

the complainant should be asked to make an appointment to speak directly to the headteacher. The staff member should alert the headteacher of the matter without delay. [If the concern relates to the headteacher, it can be referred to the Chair of the Governing Body.] The headteacher may consider a matter personally or can ask another member of staff to consider the complaint objectively and impartially, with a view to resolving it.

4.2.5 Members of staff should not become involved with concerns relating to extended school services but refer them on appropriately.

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

### **4.3 Stage 2 – More formal, direct to the staff member concerned**

4.3.1 The staff member will normally arrange to meet the complainant within three working days, at a mutually convenient time, in the school, in private and relaxed surroundings, to listen to the complaint with the aim of attempting to resolve it.

4.3.2 If the complaint cannot be resolved and the complainant remains unhappy, the staff member must notify the headteacher of the matter within two working days.

### **4.4 Communication and time scale for Stages 1 and 2**

4.4.1 For both stages 1 and 2 the member of staff/headteacher will try to respond to complaints in the shortest time reasonably possible. All complaints will be acknowledged within 3 school days of the member of staff being aware of the complaint. The staff will usually try to arrange a meeting with the complainant to discuss the complaint – unless this would not be appropriate. The school will respond to complaints initiated by email, but will reserve the right to insist on other forms of communication as the complaint progresses.

4.4.2 In the case of complaints relating to a member of staff/adult who does not work at the school full time – the complainant should be aware that informal resolutions may take longer as the member of staff/adult may not always be on site. If the complaint involves a pupil in relation to the member of staff, efforts will be made to informally resolve that complaint before the pupil's next lesson/session with that member of staff/adult.

### **4.5 Stage 3 – Formal Stage**

## Complaint Form

4.5.1 In the case of serious concerns, it may be appropriate to address them directly to the headteacher (or to the Chair of the governing body if the complaint is about the headteacher). If you are uncertain about who to contact, please seek advice from the school office or the clerk to the governing body.

4.5.2 If your concern or complaint is not resolved at Stage 1 or Stage 2, you must put the complaint in writing and pass it to the headteacher, (or to the Chair of the governing body if the complaint is about the headteacher) who will be responsible for ensuring that it is investigated appropriately. A complaint form is provided to assist you at Appendix 2 and the investigation procedure is set out in Appendix 4.

4.5.3 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. The completed form should be delivered, in a sealed envelope addressed to the headteacher (or Chair of Governors), to the School Office.

### 4.6 On receipt of the complaint

4.6.1 The school will formally acknowledge your complaint within one school day of receiving the complaint. If this does not happen, please inform the school office in case the envelope has gone astray.

4.6.2 On receiving the complaint, the headteacher (or Chair) may invite you to a meeting to clarify your concerns and to seek 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.

4.6.3 It is possible that your complaint will be resolved through a meeting with the headteacher (or Chair). If not, the following procedure will apply

### 4.7 Moderation

4.7.1 If an informal resolution is not possible, or on request of the headteacher, the school may appoint a moderation panel of no less than 3 governors to decide how the complaint will proceed.

4.7.2 This is an optional stage that can be triggered by the headteacher (or Chair of Governors) upon receiving a formal complaint. If this option is not taken then the complaint proceeds to the investigation stage (below).

4.7.3 Any governor named in the complaint will not be able to join the panel. The panel will convene (whether in person, by email, phone, or other link) within 10 school days from the receipt of the complaint.

4.7.4 The panel will check that the substance of the complaint properly falls within the remit of this policy and that it is not frivolous, vexatious, an abuse of process or harassment such as to engage Appendix 5.

4.7.5 The panel must

- confirm that the complaint can proceed, or
- direct the complainant to a more appropriate policy, or
- decide to proceed under Appendix 5.

(See Appendix 4 for more detail on frivolous and vexatious complaints)

4.7.6 The complainants will be notified of the decision of the moderation panel about how to proceed within one day of their decision. The notification should include an indication of the anticipated timescale.

4.7.7 If, following Appendix 5, the panel decide not to take the complaint any further then the complainant(s) will be notified of the decision by the panel of governors and this will be the end of the complaint under the school's complaint procedures.

4.7.8 If the complainant(s) believes the Governing Body has acted illegally or arbitrarily in handling the complaint, then the complainant(s) can make representation to the Secretary of State for Children, Families and Schools.

4.7.9 If, after due deliberation, the panel decide to take the complaint further then the procedure, outlined below, will be applied.

#### **4.8 Investigation**

4.8.1 If a complaint is taken forward arrangements will be made for the matter to be fully investigated, using the appropriate procedure. Any investigation will begin as soon as possible and when it has been concluded, you will be informed in writing of its conclusion. See Appendix 3 for information concerning investigation procedures.

4.8.2 If you are not satisfied with the manner in which the process has been followed or the outcome, you may request that the governing body reviews the process followed by the school in handling the complaint and the outcome of that process. Any such request must be made in writing to the Clerk to the governing body, within 10 working days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The school will use its best endeavours to follow the procedure described below so far as practicable. A Review Request form is provided for your convenience at Appendix 2.

#### **4.9 Stage 4 – Governing Body Complaints Review Panel**

4.9.1 The convening of a Governing Body Review Panel is for serious matters which have not been resolved at the earlier stages.

4.9.2 The Clerk will (within 5 working days of receipt), write to the complainant to acknowledge receipt of their request for a Governing Body Complaints Review Panel. This letter should:

- a) Confirm that Governing Body Complaints Review Panel will meet within 20 working days of the date of receipt.
- b) Request copies of any written submissions from the complainant, signed and dated statement(s) by noon on a specific cut off time and date (usually 7 working days).

4.9.3 Any governors' review will be conducted by a panel of 3 members of the governing body. This will usually take place within 20 working days of receipt of your request.

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

4.9.5 The panel will first receive written evidence from the complainant. However, the complainant (who may be accompanied by a friend if they wish) may be invited to attend the meeting in order to clarify the matter.

4.9.6 The panel will subsequently 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. 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.

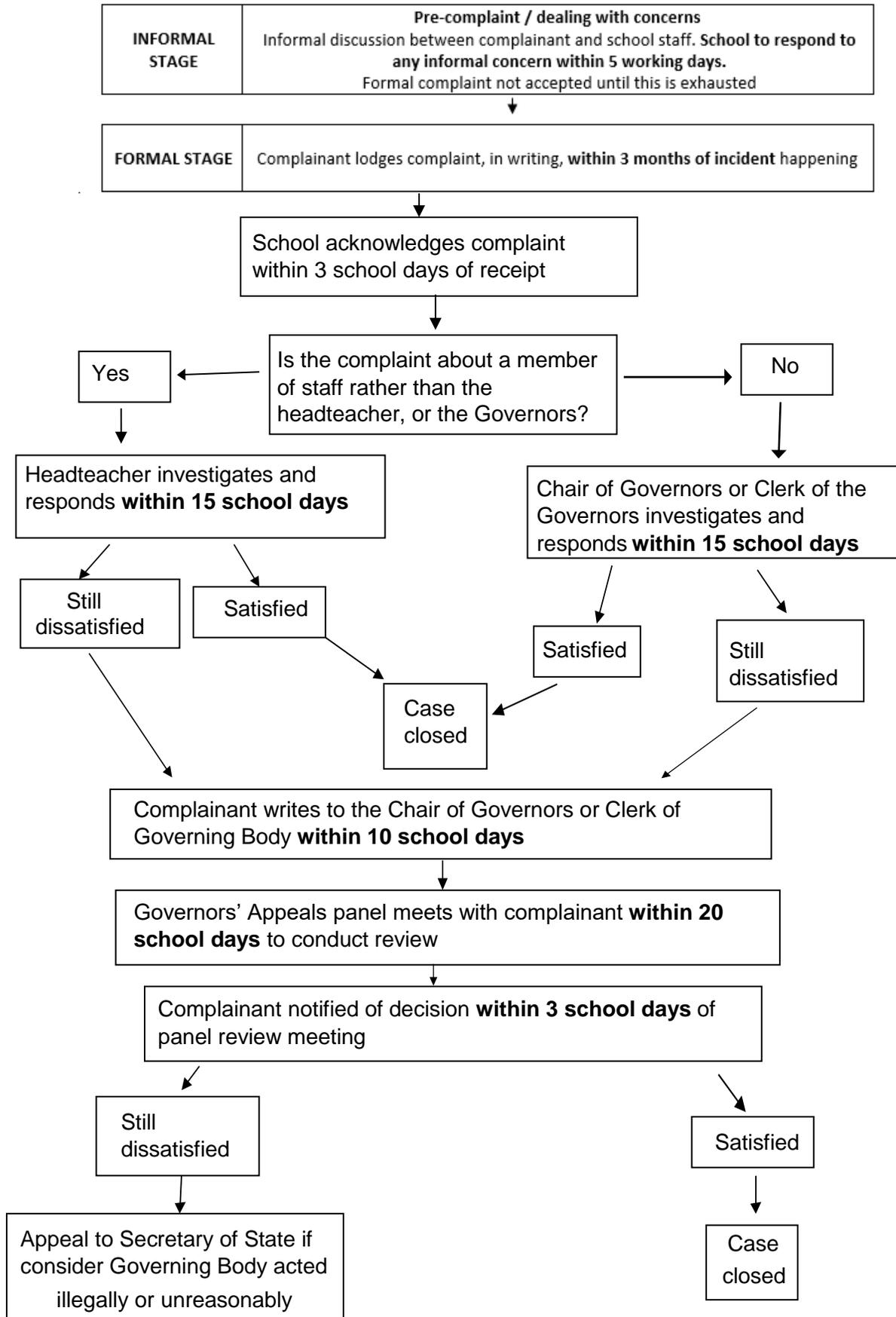
4.9.7 The panel may also have access to the records kept of the process followed and outcome reached. When the panel has collected sufficient information, it will deliberate. You, as well as the Head Teacher and the Governing body, will be informed in writing of the outcome, usually within 5 working days of the panel meeting.

4.9.8 It is the responsibility of the panel chair to take control of the meeting, ensure that it is conducted fairly under the policy and procedure adopted, and that notes are taken.

4.9.9 The aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the complainant.

4.9.10 The matter will then be closed as far as the school is concerned. If the complainant believes the Governing Body has acted illegally or arbitrarily in handling the complaint, then the complainant can make representation to the Secretary of State for Children, Families and Schools.

## Appendix 1 – School Complaints Flowchart



## Appendix 2 - Complaint Form

Please complete this form and return it to the headteacher or Clerk to the Governing Body, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Relationship with the school:

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

Your Address:

Daytime telephone number:

Evening telephone number:

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 sheets or attach additional documents if you wish.

Number of additional pages attached =

What action, if any, have you already taken to try and 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:

**For school use only**

Date Complaint Form Received:.....

Received By:.....

Date of Acknowledgement sent:.....

Acknowledgement sent by:.....

Complaint referred to:			
Date:			

### **Appendix 3 – Complaint Review Request Form**

Please complete this form and return it to the headteacher or Clerk to the Governing Body, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Your address:

Daytime telephone number:

Evening telephone number:

Dear Sir/Madam

I submitted a formal complaint to the school on.....and am dissatisfied by the procedure that has been followed and/or the outcome. My complaint was submitted to.....and I received a response

from.....on.....

I have attached the 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:

and/or by the outcome because:

You may continue on separate sheets or attach additional documents if you wish

Number of additional pages attached =

## **Appendix 4 - Investigation Procedure**

The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly. The outcome of such an investigation will have significance not only for the complainant but also for any member of staff against whom a complaint has been made.

Any anonymous complaint will not be investigated, unless there are exceptional circumstances. These would include serious concerns such as child protection issues or bullying allegations, where the school will involve appropriate external agencies (all child protection issues) or conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

### **Preparing for an Investigation**

Where the school receives a formal complaint, it should be acknowledged and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant in due course.

It is essential that there is a clear understanding of the complaint. Where necessary, the nature of the complaint should be confirmed with the complainant, e.g. through an initial meeting. (If an investigator is appointed there may need to be a more detailed follow-up).

Any member of staff against whom a complaint has been made should be notified that a complaint has been received and that the appropriate school procedure will be followed. It is occasionally not appropriate to provide the member of staff with any details of the complaint until any investigation has been completed. The decision whether or not to inform the member of staff of the nature of the complaint will be taken by the head teacher or investigator, as appropriate, who may take advice if necessary.

Once any complaint has been confirmed the school needs to determine which procedure (school or LA) is most important and to select an appropriate person to conduct any investigation.

### **Conducting the Investigation**

The investigation must be carried out in accordance with the provisions of the relevant procedure.

Arrangements should be agreed so that accurate notes or a tape recording can be taken of all interviews and the outcome of the investigation be accurately recorded.

The complainant should be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence.

The member of staff subject to the complaint (if investigated under this policy rather than the Staff Discipline Policy) should be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed.

Where children are potential witnesses, discretion should be exercised over their involvement and advice should be taken from statutory agencies. Where the complaints under investigation are serious, for example, of a child protection nature or involving alleged criminal conduct, the school will report allegations straight away to the appropriate agency (the LADO, police or children's social services). It will not be appropriate for the school to conduct its own investigations until expressly permitted to do so by relevant the external agencies. This may be after their own investigations have been completed as care must be taken not to interfere with evidence.

Once the external agencies (LA and/or police) have confirmed that investigations can proceed, if these are still required in the light of any which may already have been carried out, it may be appropriate to allow parents to be present at child interviews. Otherwise, consideration should be given to having two staff present at interviews or the use of a tape recorder for corroboration. Subject to the comments above, any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons.

In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interview. The investigator should allow the interviewee to answer in their own way. Their responses should be listened to attentively. Any temptation to cut an interviewee short or to seek to “lead” them must be resisted. The interviewee should be given the opportunity of providing other relevant information at the end of the interview.

Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted.

The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed and their report is being written.

### **Concluding the investigation**

The report may contain:

- A brief outline of the process that has been followed
- A statement of the complaint/concern
- A summary of the findings, linked to the relevant evidence
- Any recommendations for future action
- Annexes containing copies of witness statements and other evidence collected during the investigation

The report of the investigation will usually be confidential to the school, as it is likely to contain sensitive personal information. If a request is received to release the report, under either the Data Protection Act or Freedom of Information, the school should seek legal advice from the Local Authority. Steps should be taken to preserve the confidentiality of the names of child witnesses.

A summary of the process undertaken and the outcome of the investigation may be provided to the complainant. Caution must be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of an employee to continue in post.

Following consideration of the report by the relevant body, any final recommendations may also be shared with the parties, unless there is good reason not to do so. Wherever possible, recommendations should be constructive and not punitive.

The complainant should be advised that she / he may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process by the governing body.

What actions do you as investigator feel might resolve the problem at this stage? What recommendations would you make to the senior management or governors?

Signature:

Date:

**For school use only**

Date Complaint Form Received:.....

Received By:.....

Date of Acknowledgement sent:.....

Acknowledgement sent by:.....

## **Appendix 5 - Frivolous, Vexatious Complaints**

The Headteacher and Governing Body are committed to the improvement of Edmund Waller School. We welcome feedback from parents /carers and will always try to resolve any complaints as quickly as possible.

Sometimes, however, parents or carers pursuing complaints or other issues treat staff in a way that is unacceptable or is an abuse of the complaints process. Whilst we recognise that some complaints may relate to serious and distressing incidents, the Headteacher and Governing Body will not accept threatening or harassing behaviour.

### **What do we mean by “abuse of process”?**

Potential evidence of abuse might include one or more of the following:

- a succession of complaints made without reasonable grounds from one source against the same individual or group of individuals;
- a series of complaints between two or more people, one apparently made in response to another (so called ‘tit-for-tat’ complaints);
- one or more complaints only flimsily backed by any evidence;
- further allegations, representing minor variations on the original, coming forward when the first has been dismissed.

**Such complaints may also be considered frivolous and vexatious.**

### **What do we mean by a frivolous and vexatious complaint or complainant?**

In addition to the examples given above of frivolous and vexatious complaints, frivolous complaints might include those which appear to raise issues so minor as to make the use of the complaints machinery in relation to them entirely disproportionate.

Anyone who engages in unreasonable behaviour when making a complaint may also be considered a vexatious complainant. This will include parents and carers who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include:

- actions which are out of proportion to the nature of the complaint, persistent - even when the Complaints Procedure has been exhausted - personally harassing, unjustifiably repetitious;
- an insistence on pursuing unjustified complaints and/or unrealistic outcomes to justified complaints;
- an insistence on pursuing justifiable complaints in an unreasonable manner (e.g. using abusive or threatening language; making complaints in public; refusing to attend appointments to discuss the complaint).

### **What is 'harassment'?**

Harassment is 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 seek a resolution.

Behaviour will fall within the scope of this policy if:

- it appears to be deliberately targeted over a significant period of time at one or more members of school

staff, without good cause;

- the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes ongoing distress to school staff;
- it has a significant and disproportionate adverse effect on the school community.

### **Edmund Waller School's response to frivolous and vexatious complaints or harassment**

In cases of frivolous and vexatious complaints or harassment, the school may take the following steps either in sequence or as necessary to safeguard staff or the efficient running of the school:

- inform the complainant informally that her / his behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
- inform the complainant in writing that the school considers her / his behaviour to be harassment;
- require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
- inform the complainant that, except in emergencies, the school will respond only to written communication;
- inform the complainant that his or her complaints are considered frivolous and/or vexatious, harassment or an abuse of process and the panel will not take the complaint any further. This will be the end of the complaint under the school's complaint procedures. A decision to this effect may only be taken by a Governing Body Moderation Panel (see page 5 above).

### **Physical or verbal aggression**

Edmund Waller School will not tolerate **any** form of physical or verbal aggression against school staff. If staff are subject to this type of aggression the school may:

- ban the individual from entering the school site, with immediate effect;
- request an Anti-Social Behaviour Order (ASBO);
- take legal proceedings under Anti-Harassment legislation.