



# Stanton St Quintin Primary School Langley Fitzurse C of E Primary School

## Complaints Procedure and Policy

### Important coronavirus (COVID-19) update

Added [Appendix 1](#) to this policy, which provides details on managing first aid procedures during the coronavirus (COVID-19) pandemic.

### **Policy and Procedure: Complaints Procedure and Policy**

Date of Approval: September 2020

Review date: September 2022

## Statement of intent

Stanton St Quintin Primary School and Langley Fitzusre C of E Primary Schools aim to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.

This policy has been created to deal with any complaint against a member of staff or the school as a whole, relating to any aspects of the school or the provision of facilities or services.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the school provides. This policy outlines the procedure that the complainant and school must follow.

Once a complaint has been made, it can be resolved or withdrawn at any stage.

The Executive Headteacher will be the first point of contact when following the complaints procedure.

## 1. Legal framework

1.1. This policy has due regard to statutory legislation, including, but not limited to, the following:

- Education Act 2002
- Freedom of Information Act 2000
- Immigration Act 2016
- Equality Act 2010
- General Data Protection Regulation (GDPR)
- The Data Protection Act 2018
- The Education (Pupil Information) (England) Regulations 2005
- The School Information (England) (Amendment) Regulations 2016

1.2. This policy also has due regard to guidance including, but not limited to, the following:

- DfE (2019) 'Best practice guidance for school complaints procedures 2019'
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'

1.3. This policy will be implemented in accordance with the following school policies:

- GDPR Policy
- Child Protection and Safeguarding Policy
- Grievance Policy
- Exclusion Policy
- Whistleblowing Policy

## 2. Definitions

2.1. For the purpose of this policy, a “**complaint**” can be defined as ‘an expression of dissatisfaction’ towards the actions taken or a perceived lack of action taken.

2.2. Complaints can be resolved formally, through this procedure, or informally dependent on the complainant’s choice.

2.3. A “**concern**” can be defined as ‘an expression of worry or doubt’ where reassurance is required.

2.4. Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures will be implemented.

2.5. A “**grievance**” is an issue raised by a member of staff where they feel the school has not implemented a policy or process fairly or properly. Grievances

will be dealt with in line with the school's [Grievance Policy](#). This is a model HR Policy published by the Local Authority.

2.6. For the purpose of this policy, concerns will be classed and addressed as complaints.

2.7. For the purpose of this policy, “**unreasonable complaints**” include:

- Vexatious complaints:
  - Are obsessive, persistent, harassing, prolific, repetitious.
  - Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
  - Insist upon pursuing meritorious complaints in an unreasonable manner.
  - Are designed to cause disruption or annoyance.
  - Demand for redress which lacks any serious purpose or value.
- Serial or persistent complaints:
  - Are duplicated, sent by the same complainant once the initial complaint has been closed.

2.8. Serial or persistent complaints will only be marked as ‘serial’ once the complainant has completed the complaints procedure. It is the complaint that will be marked as ‘serial’ meaning the complainant can complain about a separate issue if necessary.

2.9. For the purpose of this policy, “**duplicate complaints**” are identical complaints received from a complainant’s spouse, partner, grandparent or child. These complaints will not be addressed again, the individual making the second complaint will be informed that the complaint has been dealt with on a local level and if they are dissatisfied with the result, they can appeal to the DfE.

2.10. Any new details provided by a complainant’s spouse, partner, grandparent or child, will be investigated and dealt with in line with the complaints procedure.

### 3. Procedures for dealing with concerns and complaints

#### Stage 1

The person receiving the concern or complaint will:

- Listen sympathetically to the complainant;
- Offer an immediate acknowledgement verbally and ask that the complaint be put in writing
- Following receipt of written complaint, written acknowledgement will be given within three working days
- Decide, in consultation with others if necessary, to whom the concern or complaint should be referred;

- Ensure that all relevant information is passed to the person investigating immediately.
- Indicate to the complainant what action will be taken, by whom and by when within 10 working days.

## Stage 2

The person(s) investigating the concern or complaint will:

- Ensure that a thorough and fair investigation is carried out;
- Consult appropriately;
- Maintain confidentiality;
- Involve other agencies, e.g. the Police, Social Services, etc. as appropriate.
- This will be concluded within 21 working days or if unachievable the complainant will be notified.

If the complaint concerns a member of staff, that person has the right to be informed immediately, be given the opportunity to put their side of the case, be kept informed of progress in the investigation and of the outcome.

If the complaint involves a safeguarding issue the Designated Officer is notified. (See Safeguarding Policy)

Deciding what action to take:

If the person(s) investigating the concern or complaint finds that there is a case to answer, the following should be given in writing:

- An apology;
- An explanation;
- An action to put things right.
- An explanation of steps taken by the school to prevent a recurrence;
- An undertaking to review school policies in light of the complaint.

If there is no case to answer, the complainant will be informed in writing. (He/she will also be informed to whom reference can be made if the outcome is not thought to be satisfactory).

Keeping records – the person(s) investigating will ensure that:

- Careful records are kept of the investigation;
- The complaints are written in the Head's Day/Communication Book;
- Confidentiality is maintained.

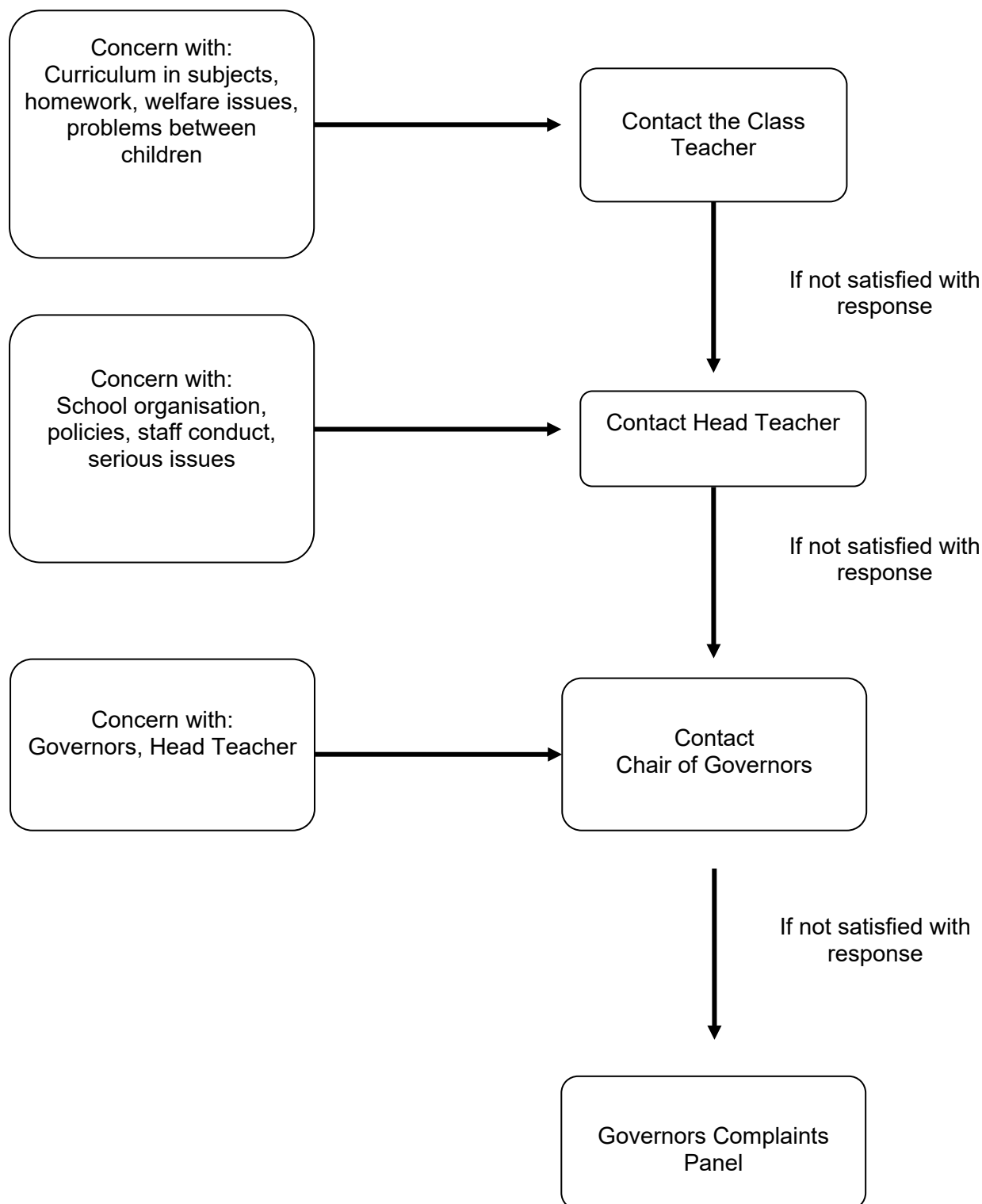
Reviewing and monitoring – The Head Teacher will:

- Review the Day Book weekly with staff as appropriate;
- Report to the Chair of Governors
- Report termly to Governing Body

## Stage 3

Should the complainant feel dissatisfied with the outcome and wish to take the matter further the complainant can appeal the decision in writing to the individual named in the outcome letter within 5 working days

The appeal must clearly identify the grounds with which the complainant is dissatisfied.



**Response:** Acknowledgement (normally three working days maximum) with indication of time wanted for investigation (if needed) and reply.

There is no formal procedure for praise. If you feel that something has been done especially well, please feel free to let us know. It is helpful to know, which aspects of our school are particularly valued by parents.

#### **4. Complaints not covered by this procedure**

- 4.1. Complaints regarding the following topics should be directed to the LA:
- Statutory assessments of SEND
  - School re-organisation proposals
  - Admissions to schools
- 4.2. Complaints about child protection matters will be handled in line with the school's Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance.
- 4.3. Any child protection complaints should be directed to the Designated Officer or the multi-agency safeguarding hub (MASH).
- 4.4. Complaints concerning admissions will be directed to the appropriate admissions authority.
- 4.5. Complaints regarding exclusions will be dealt with in accordance with procedure outlined in the Exclusion Policy.
- 4.6. The school has an internal whistleblowing procedure for all employees, including contractors and temporary staff outlined in the Whistleblowing Policy.
- 4.7. Any whistleblowers not wishing to raise the issue with their employer will direct their complaint to the DfE.
- 4.8. Volunteers who have concerns about the school or a member of staff should make their complaint in line with this policy. Volunteers may also be able to complain to the LA or DfE, depending on what the complaint is about.
- 4.9. Staff grievances and disciplinary procedures will be dealt with in line with the Grievance Policy. In these cases, complainants will not be informed of the outcome of any investigations; however, they will be notified that the matter is being addressed.
- 4.10. This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the school premises or facilities. All complaints concerning this should be directed to the service provider.
- 4.11. Complaints about the content of national curriculum should be made to the DfE.
- 4.12. Complaints about how the school delivers the curriculum, including RE and RSE, will be dealt with using this complaints procedure.
- 4.13. Any complaints about the content of the daily act of collective worship are dealt with by either:

- the LA
- the local Standard Advisory Council on Religious Education
- another relevant body, e.g. the diocese.

4.14. Complaints from parents who are dissatisfied with the handling of a request to withdraw their child from RE or collective worship will be handled in line with this complaints procedure.

4.15. Requests for information and issues with the school's process for dealing with FOI requests, will be dealt with in accordance with the Freedom of Information Policy.

## 5. Exceptional circumstances

5.1. The DfE expects complainants to have completed the school's complaints procedure before directing a complaint to them. The exceptions to this include when:

- Pupils are at risk of harm.
- Pupils are missing education.
- A complainant is being prevented from having their complaint progress through the school's complaints procedure.
- The DfE has evidence that the school is proposing to act or is acting unlawfully or unreasonably.

5.2. If a social services authority decides to investigate a situation, the Executive Headteacher or governing board may postpone the complaints procedure.

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

5.4. If a complainant commences legal action against the school in relation to their complaint, the school will consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

## 6. Managing unreasonable requests

6.1. The school is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the school; however, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

6.2. 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 adopted complaints procedure or with good practice.
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
- Changes the basis of the complaint as the investigation proceeds.
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
- Refuses to accept the findings of the investigation into that complaint where the school's complaints procedure has been fully and properly implemented and completed including referral to the DfE.
- 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.

6.3.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
- By publishing unacceptable information in a variety of media such as in social media websites and newspapers

6.4. 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.

- 6.5. Whenever possible, the Executive Headteacher or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
- 6.6. If the behaviour continues, the Executive Headteacher 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, the school may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.
- 6.7. 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 premises.

## 7. Complaints campaigns

- 7.1. For the purposes of this policy, "complaints campaigns" are where the school receives large volumes of complaints that are all based on the same subject.
- 7.2. Where the school becomes the subject of a complaints campaign from complainants who are not connected with the school, a standard, single response will be published on the school's website.
- 7.3. If the school receives a large number of complaints about the same subject from complainants who are connected to the school, e.g. parents, each complainant will receive an individual response.
- 7.4. If complainants remain dissatisfied with the school's response, they will be directed to the DfE.

## 8. Barring from the premises

- 8.1. School premises are private property and therefore any individual may be barred from entering the premises.
- 8.2. If an individual's behaviour is cause for concern, the Executive Headteacher will ask the individual to leave the premises.
- 8.3. The Executive Headteacher will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make.
- 8.4. The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.
- 8.5. This decision to bar will be reviewed by the chair of governors or a committee of governors, taking into account any discussions following the incident.
- 8.6. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, they will also be informed of when the decision will be reviewed.

8.7. Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the Executive Headteacher or chair of governors.

8.8. Once the school's complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

## **9. Standard of fluency complaints**

9.1. As members of a public authority, all staff are subject to the fluency duty imposed by the Immigration Act 2016, which requires staff members to have an appropriate level of fluency in English in order to teach pupils.

9.2. The school is free to determine the level of spoken communication necessary in order for staff members to develop effective performance, but it will be matched to the demands of the role in question.

9.3. The school will be satisfied that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether this is an existing or potential new member of staff.

9.4. For the purpose of this policy, a "legitimate complaint" is one which is about the standard of spoken English of a member of staff; complaints regarding an individual's accent, dialect, manner or tone of communication are not considered legitimate complaints.

9.5. All legitimate complaints regarding the fluency duty will be handled in line with the processes outlined in this policy.

9.6. In addition to the processes outlined in this policy, the school will assess the merits of a legitimate complaint against the necessary standard of spoken English fluency required for the role in question.

9.7. To assess the merits, the school will undertake an objective assessment against clear criteria set out in the role specification or, against the level of fluency descriptors relevant to the role in question.

9.8. Appropriate support will be provided to staff to ensure that they are protected from vexatious complaints and are not subjected to unnecessary fluency testing.

9.9. Records of complaints regarding fluency will be kept in accordance with the processes outlined in [section 7](#) of this policy.

## **10. Transferring data**

10.1. When a pupil changes school, the pupil's educational record will be transferred to the new school and no copies will be kept.

10.2. The school will hold records of complaints separate to pupil records while a complaint is ongoing, so that access to these records can be maintained.

10.3. Information that the school retains relating to a complaint will be stored securely and in line with the school's GDPR Records Management Policy.

## **11. Availability**

11.1. A copy of this policy will be published on the school website in accordance with the School Information (England) (Amendment) Regulations 2016.

## **12. Reviewing the procedure**

12.1. The complaints procedure will be reviewed every two years, taking into account the latest guidance issued by the DfE.

12.2. Responsibility for reviewing the procedure belongs to a committee of the governing board, an individual governor or the Executive Headteacher.

12.3. All projected review dates will be adhered to.

12.4. Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.

12.5. The monitoring and reviewing of complaints will be used to help evaluate the school's performance.

### Statement of intent

In line with current government guidance, the school is not expected to handle new or existing complaints should the school be open to a limited number of pupils due to the coronavirus pandemic; however, the school remains committed to maintaining open communication channels with parents and all stakeholders during this time.

We understand the necessity to adapt our procedures during the school's partial closure and to ensure members of our school community can continue to voice any concerns they may have.

This appendix outlines how the school will manage concerns and complaints during the coronavirus pandemic, in line with the government's guidance and this policy. The information in this section is under constant review and kept updated to reflect any changes to national or local guidance.

### 1. Making a complaint

- For the purpose of this policy, a "complaint" can be defined as 'an expression of dissatisfaction' towards the actions taken or a perceived lack of action taken.
- The normal complaints procedure set out within the main body of this policy will resume once the school reopens fully to all pupils and when directed by the DfE; until this point, formal complaints will not be dealt with by the school.
- Any updates that influence this policy will be communicated to all parties involved via email in a timely manner.
- Complainants are encouraged to call the DfE for more information regarding the expectations on schools regarding complaints at this time.

### 2. Concerns with regards to school closures

- A "concern" can be defined as 'an expression of worry or doubt' where reassurance is required.
- Parents can share concerns about aspects of the school's current provision, by contacting the Executive Headteacher via telephone or email. Concerns will be responded to as soon as it is deemed possible.
- Parents who wish to share a concern about their child's learning should in the first instance will raise their concerns with their child's class teacher via telephone or email.
- If a concern relates to the safeguarding of a child, the person concerned should contact the, LA or, where appropriate, the police without delay.

### 3. Recording a concern

- A written record will be kept of any concern made in the school's Concerns Log where deemed necessary, and will include:
  - The main issues raised and any recommendations.
  - Whether the concern was resolved and how this was achieved.
  - Actions taken by the school as a result of the concern raised.

- The school will keep the governing board up-to-date with any concerns raised and actions that are taken to resolve them, where necessary.
- Any record of concerns made will be held in line with the GDPR Records Management Policy.

#### **4. Monitoring and review**

- The Executive Headteacher is responsible for continually monitoring government updates and updating this appendix in line with any changes and guidance on both national and local levels.
- Any changes to this appendix will be communicated to all staff, parents and relevant stakeholders.
- This appendix will be considered redundant once the school reopens fully to all pupils and when directed by the DfE – at which point, the school will resume its regular complaints procedures.