

# St John's (Gosport) C of E Primary School

## Complaints Policy and Procedure



<b>Ratification Date:</b>	<b>November 2021</b>	<b>Headteacher: Chair of Governors:</b>	<b>Mrs Carolyn Wilkinson Mrs Jean Watson</b>
<b>Reviewed:</b>	<b>November 2022</b>	<b>Headteacher: Chair of Governors:</b>	<b>Mrs Carolyn Wilkinson Mrs Jean Watson</b>
<b>Next Review:</b>	<b>November 2023</b>	<b>Headteacher: Chair of Governors:</b>	<b>Mrs Carolyn Wilkinson Mrs Jean Watson</b>

### 1. Introduction

The Education Act 2002 Section 29(1)(a) and (b) required governing bodies to have procedures to deal with complaints not covered by other existing statutory requirements and to publicise these procedures. Under Section 29(2), governing bodies should have regard to any guidance from the Secretary of State.

On 31 July 2012 the Department for Education implemented section 45 of the Education Act 2011. For most local authorities, their duty to consider complaints about the curriculum, sex education and religious worship in maintained schools was removed. From August 2012 such complaints, if they are not resolved by the school, should be addressed to the Secretary of State for Education.

The vast majority of concerns are dealt with immediately, satisfactorily and at an informal stage. Schools encourage this through their own individual ethos and effective communication systems. However, occasionally things can go wrong and it is not always possible to predict how a minor concern can escalate into a major, stressful and time-consuming complaint. An efficient and accessible complaints procedure will help ensure that all parties are aware of, and have confidence in, a clear process and channel of communication. The procedure helps clarify governors' powers and the role of other agencies such as the Local Authority when responding to general complaints.

### 2. Definitions

A 'concern' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'. A complaint may be generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. The schools will take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure will be invoked through the stages outlined in this policy and in Appendix A.

### 3. Who can make a complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (as noted in section 4 of this policy). The schools will not limit complaints to parents or carers of children that are registered at the school.

### 4. Complaints not in the scope of this procedure

This complaints procedure covers all complaints about any provision of facilities or services that the school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

<b>Exceptions</b>	<b>Who to contact</b>
Admissions to schools	See schools Admissions Policy or contact Admissions at Hampshire County Council.
Statutory Assessment of Special Educational Needs and Disability	See the school's SEND Policy or contact Hampshire County Council.
Child Protection or Safeguarding concerns / complaints	See the school's Child Protection and Safeguarding Policies or contact Hampshire County Council.
Exclusion of children from school	Further information about raising concerns about exclusions can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .
Whistleblowing	The school has 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: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> 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	The school has an internal grievance procedure in place and has adopted Hampshire County Council's Manual of Personnel Practice.
Complaints about services provided by third party providers who use the school premises or facilities	Third party providers should have their own complaints procedures in place and should be contacted directly.

## **5. General Principles:**

- a. This procedure is intended to allow those wishing to raise a concern or complaint relating to the school, or the services that it provides.
- b. An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.
- c. To enable a proper investigation, concerns or complaints could 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.
- d. The school will do their best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where a school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, schools will need to act appropriately (see Appendix B).

## **6. Raising a concern or complaint**

### **6.1 Informal Stage**

It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment, requested via the school office. 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.

In the case of serious concerns it may be appropriate to address them directly to the Headteacher (or to the Chair of Governors, 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.

### **6.2 Formal Stage**

If your concern or complaint is not resolved at the informal stage you may choose to put the complaint in writing and pass it to the Headteacher, who will be responsible for ensuring that it is investigated appropriately. If the complaint is about the Headteacher, your complaint should be passed to the Clerk to the Governing Body, for the attention of the Chair of Governors.

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 letter should be placed in a sealed envelope and submitted to the school office. The envelope should be addressed to the Headteacher, or to the Clerk to the Governing Body, as appropriate.

The Headteacher (or Chair of Governors) 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 Headteacher (or Chair of Governors). If not, arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case you will 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 Clerk to the Governing Body, within ten 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:

## **7. Procedure**

St John's Gosport C. of E. Primary School values the fostering of good relations between school, home and the community. Positive relationships in which the values of the school are clearly understood will support pupils as they make progress during their learning at the school. It is important that parents and teachers can feel confident in working together for the good of their child/pupil. It is for these reasons the school has adopted this complaints procedure. The aim of the procedure is to encourage parents to discuss their concerns with the school as soon as possible so that a shared approach to resolving complaints is taken.

Please see the diagram in Appendix A, which outlines the stages to be taken when a complaint is made. It will be seen from the staged approach that a preliminary stage is identified which is intended to resolve a matter in an informal way.

**Stage One.** This should only be undertaken if the parent is unsatisfied with the actions of the school during the preliminary informal stage.

**Stage Two.** The referral of a complaint to the Chair of Governors is to occur only if the Headteacher's actions have not resolved the matter.

**Stage Three.** A hearing by the Governors' Complaints Panel would only take place after the previous stages and would be the final stage in the school's internal complaints procedures (see detail below).

### **7.1 Governors Complaint Panel**

The Governor's Complaint Panel will need to take the following points into account:

- The hearing will be as informal as possible
- Witnesses are only required to attend for the part of the hearing in which they will give evidence.

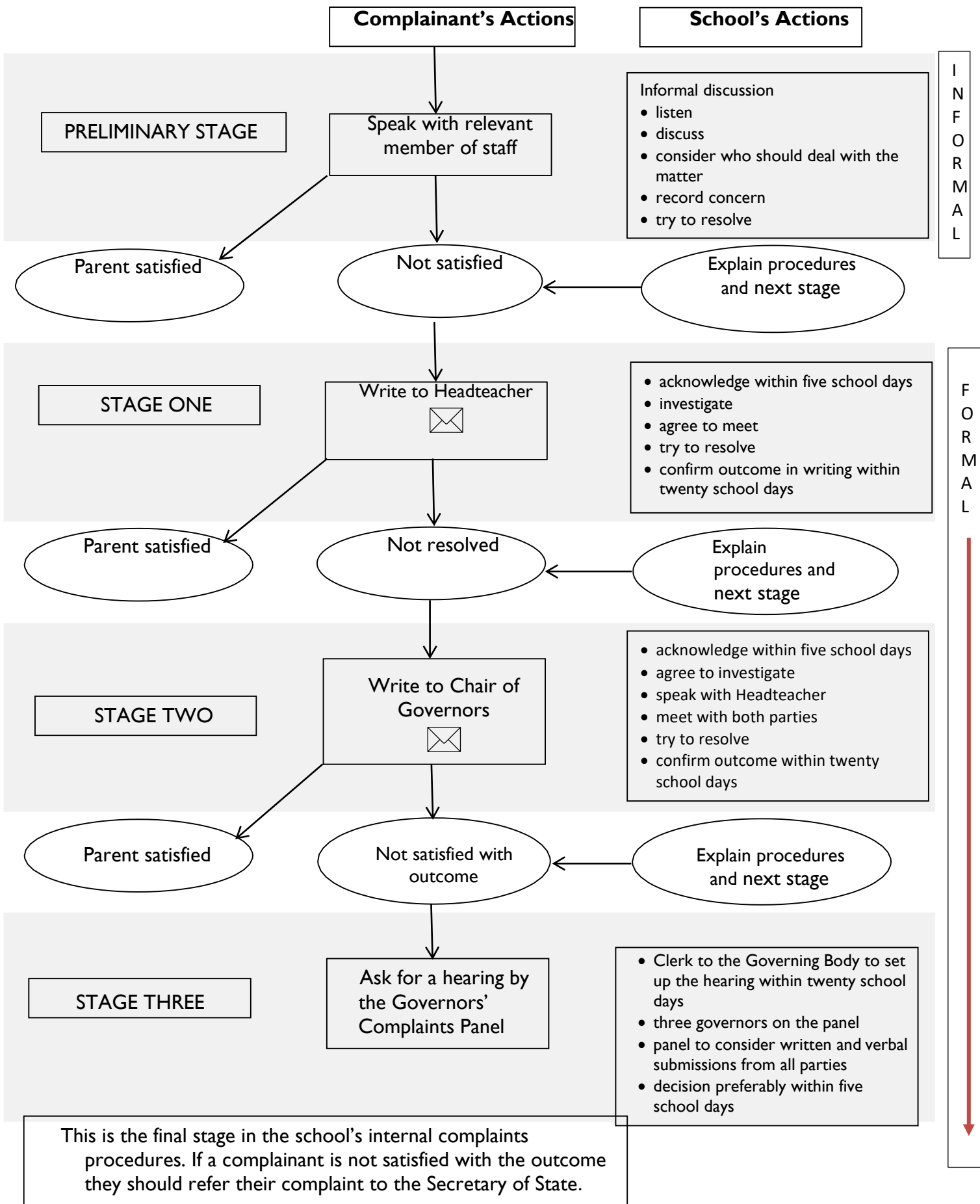
- After introductions, the complainant is invited to explain their complaint and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher and the school's witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale.

The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

Further information can be obtained from the SCU by calling the National Helpline on 0370 000 2288 or going online at: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or by writing to:

Department for  
Education School  
Complaints Unit 2<sup>nd</sup>  
Floor, Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

**Annex St. John's (Gosport) C. of E. Primary School Complaints Procedure**



## Appendix B

### Policy for Unreasonable Complainants

St John's Gosport C. of E. 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. 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.

St John's Gosport C. of E. Primary School defines unreasonable complainants 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 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 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 Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues the 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, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six 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 St. John's Gosport C of E Primary School.

### **Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's or other member of the public's behaviour is a cause for concern, the school can ask him/her to leave school premises. In serious cases, the Headteacher or the Local Authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent/member of the public may wish to make. The school will always give the parent/member of the public an opportunity to formally express their views on the decision to bar in writing.

The decision to bar will then be reviewed, taking into account any representations made by the parent/member of the public, and either confirmed or lifted. If the decision is confirmed the parent/member of the public should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.