

Russell Lower School policy for Resolving Complaints

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Purpose

All schools have a duty to have a complaints procedure and to publicise it to parents/carers and pupils.

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.

Aims and Objectives

Russell Lower School aims to meet its statutory obligations when responding to complaints from parents/carers at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress on the complaints processes
- Consider how the complaint can feed into school improvement evaluation processes.

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

Russell Lower School will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

Legislation and Guidance

This document meets the requirements of section 29 of the Education Act 2002, which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on guidance for schools on complaints procedures from the Department for Education (DfE).

In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

Definitions and Scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.

The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

Admissions

Statutory assessments of special educational needs (SEN)

School re-organisation proposals

Safeguarding matters

Suspension and permanent exclusion

Whistle-blowing

Staff grievances

Staff discipline

National and school curriculum – content

School re-organisation proposals

Collective worship

Please see our separate policies for procedures relating to these types of complaint.

Complaints about services provided by other providers who use the school premises or facilities should be directed to the provider concerned.

Roles and responsibilities

The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Treat all those involved with respect
- Not publish details about the complaint on social media

The investigator

An individual will be appointed to look into the complaint, and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the headteacher or complaints committee which includes the facts and potential solutions

The complaints co-ordinator

The complaints co-ordinator can be:

The headteacher

The designated complaints governor

Any other staff member providing administrative support

The complaints co-ordinator will:

Keep the complainant up to date at each stage in the procedure

Make sure the process runs smoothly by liaising with staff members, the headteacher, chair of governors, clerk and local authority

Be aware of issues relating to:

Sharing third party information

Additional support needed by complainants, for example interpretation support or where the complainant is a child or young person

Keep records

Clerk to the governing board

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

Committee chair

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

Principles for Investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

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

If, at any time, a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Timescales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the next school day.

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation of the delay.

Complaints about our fulfilment of early year's requirements

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents/carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents/carers of children attending the setting on a regular basis.

Stages of a complaint (not complaints against the head teacher or a governor)

Stage 1: Informal

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the head teacher as appropriate, either in person or by letter, telephone or email. Complaints may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so. If the complainant is unclear who to contact or how to contact them they should contact the school office.

The school will acknowledge informal complaints within 5 school days, and will investigate and provide a response within 10 school days.

The informal stage may involve a meeting between the complainant and the class teacher or the Head teacher as appropriate. If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

If the complaint is not resolved informally, the next step is to make a formal complaint. (it will be escalated to a formal complaint.)

Stage 2: Formal

If your complaint or concern is not resolved at the informal stage you will be asked to complete a Formal Complaint Form (Appendix 1), and pass it to the Head Teacher, who is responsible for ensuring that it is investigated appropriately. If the complaint is about the Head Teacher, your complaint should be passed to the Clerk to the governing body (either via clerk@russell-

lower.co.uk or for the Clerk's attention via the school office. The Clerk will then pass it to the Chair of the governing body.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure.

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Within this response, the headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see, or will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

The Head Teacher (or other person appointed by the Head Teacher for this purpose) will then conduct their own investigation.

During the investigation, the headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the headteacher will provide a formal written response within 10 school days of the date of receipt of the complaint. If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. This may be to the effect that:

- the concern is not substantiated by the evidence
- The concern is substantiated in part or in full and an explanation and/or an apology given. Some details may then be given of action the Headteacher may be taking to put matters right or an assurance, where appropriate that the same thing will not happen again. However, details of the investigation or of any disciplinary procedures will not be released
- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Chair of governors, via the clerk, in writing within 10 school days of receipt of the outcome of Stage 2 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

Stage 3: Submit the complaint to the review panel

This is the final stage of the complaint's procedure. The review panel consists of 3 impartial members of the governing board, who have no prior involvement or knowledge of the complaint. These individuals will have access to the existing record of the complaints progress.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. The school representative(s) and witnesses may also wish to be accompanied by a companion or union representative. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

The complainant must have reasonable notice of the date of the review panel; the Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

The clerk will also request copies of any further written material to be submitted to the committee at least 10 school days before the meeting. Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

Prior to the meeting, the panel will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from Russell Lower School available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3.

At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Representatives from the media are not permitted to attend. The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes. Each will have an opportunity to set out written or oral submissions prior to the meeting.

As outlined in the Format of the Hearing document (Appendix 2), at the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint

- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The school will inform those involved of the decision within 10 school days.

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the DfE.

The DfE will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The DfE also looks at whether the school's statutory policies adhere to education legislation.

The DfE will intervene where a school has:

- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

If the complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

The 3 Stage complaints process is summarised in the flow chart in Appendix 3.

Complaints about the Head Teacher or a Governor

Complaints made against the Head Teacher should be made to the clerk for the attention of the Chair of Governors. The Chair of Governors will organise for an investigation (this can be delegated to another governor) to take place and follow the steps outlined above.

Where a complaint is against the Chair of Governors or any member of the governing board, it should be made in writing to the clerk of the governing board; a suitably skilled governor will be appointed to complete all the actions at Stage 2.

If the complaint is: jointly about the Chair and Vice Chair or the entire governing body or the majority of the governing body Stage 2 will be considered by an independent investigator appointed by the governing body. Stage 3 would be heard by a committee of independent governors. At the conclusion of their investigation, formal written responses would be provided, as outlined above.

Record Keeping

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where material must be made available during a school inspection.

Records of complaints will be kept securely, only as long as necessary and in line with data protection law, our privacy notices and record retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point. Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

Persistent Complaints, Harassment or Aggression

The Head Teacher and staff deal with specific complaints as part of their day-to-day management of the school in accordance with the school's complaints procedure. The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant. The school is extremely committed to promoting positive relationships with all members of the school community and welcomes the opportunity to address and resolve issues that may arise.

However, there are rare occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of the school and directly or indirectly the overall well-being of the children or staff in the school. In these exceptional circumstances the school may take action in accordance with this policy.

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:

- Treat all members of the school community with courtesy and respect
- Respect the needs of pupils and staff within the school
- Avoid the use of violence, or threats of violence, towards people or property
- Avoid any aggression or verbal abuse
- Recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint
- Recognise that resolving a specific problem can sometimes take time
- Follow the school's complaints procedure (and for staff members to follow the appropriate internal staff procedure)

What do we mean by 'unreasonable persistent complainants'?

For the purpose of this policy, an unreasonable 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 the following (this is not an exhaustive list):

- Actions which are obsessive, persistent, harassing, prolific, repetitious
- Prolific correspondence or excessive email or telephone contact about a concern or complaint

- Uses Freedom of Information requests excessively and unreasonably
- An insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
- An insistence upon pursuing unfounded complaints, or those outside of the scope of the complaints procedure, beyond all reason
- An insistence on only dealing with the Head Teacher on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters
- An insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the school because it is unlawful
- Making what appears to be groundless complaints about staff dealing with the complaint and seeking to have them replaced
- Abusive or threatening behaviour or language towards school staff
- Failing to specify grounds of the complaint, despite offers of assistance from the school

What is harassment?

We regard harassment as including 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:

- It appears to be deliberately targeted at one or more members of school staff or others, without good cause
- The way in which a complaint or other issue is pursued (as opposed to the complaint itself) causes undue distress to school staff or others
- It has an unjustifiably significant and disproportionate adverse effect on the school community

School's responses to unreasonably persistent complaints or harassment

In cases of unreasonably persistent complaints or harassment, the school may take some or all of the following steps, as appropriate;

- Inform the complainant informally that his/her 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 his/her behaviour to fall under the terms of the Unreasonable Persistent Complaint/Harassment section of the Complaints Policy
- Require any further 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 and that these may be required to be channelled through a third party chosen by the school, for example the Local Authority or County Solicitor
- Inform the complainant that, with the exception of urgent communication regarding their child in school, the school will respond to their correspondence on a 6 week basis only
- Take legal advice on pursuing a case under Anti-Harassment legislation
- Legitimate new complaints will always be considered in an appropriate time frame, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/Harassment section of this policy. The school nevertheless reserves the right not to respond to communications from individuals whose conduct falls within the scope of this policy.

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:

- Ban the individual from entering the school site, with immediate effect (See our Access to Premises Policy for more information)
- Request a Civil Injunction or Criminal Behaviour Order
- Take legal advice on pursuing a case under Anti-Harassment legislation
- Call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

Right of appeal

All persons who are notified by the school that they are being dealt with under this procedure have the right of appeal. Appeals must be addressed to the Clerk marked confidential, via the school office or via email using clerk@russell-lower.co.uk . The Chair of Governors will consider each appeal on its merits, consulting with the Head Teacher as appropriate. The outcome of the appeal should be notified to the appellant and copied to the Head Teacher within 10 school days of receipt.

Learning Lessons

The governing board will review any underlying issues raised by the complaints with the Head Teacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures and practices to help prevent similar events in the future.

Monitoring Arrangements

The governing board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The governing board will track the number and nature of complaints, and review underlying issues as stated above. This policy will also be formally reviewed every 3 years.

Appendix 1

Formal Complaint Form

Please complete this form and return it to the school office or to the Head Teacher who will acknowledge its receipt and inform you of the next stage in the procedure.

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| Your name: | |
| Pupil's Name (if relevant): | |
| Your relationship to the pupil (if relevant): | |
| Your address: | |
| Your daytime telephone numbers: | |
| Your evening telephone numbers: | |
| What or who is the complaint about (please put a cross X in the appropriate box): | |
| <input type="checkbox"/> | A policy or procedure in school |
| <input type="checkbox"/> | The action(s) of an individual (please name and describe actions below) |
| <input type="checkbox"/> | Something else (please describe below) |
| Further information: | |
| Please give concise details of your complaint, including date(s) and nature of incident(s), name(s) of witnesses etc. to allow the matter to be fully investigated: | |
| You may continue on a separate paper or attach additional documents, if you wish. | |
| Number of <i>additional</i> pages: | |
| What action(s) , if any, have you already taken to try to resolve your complaint? (i.e. have you spoken with or written to someone, and what was the outcome?) | |

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

RUSSELL LOWER SCHOOL

COMPLAINTS REVIEW PANEL MEETING PROCEDURE

The Complaints Review Panel and Clerk will enter the meeting room first.

When the panel is ready to start the hearing, the Clerk will invite the Complainant and Complainant's friend and the School Representative(s), to enter the meeting room together as equals. Any witnesses remain outside the room until they are needed and leave the room once they have provided their account and answered any questions.

| | |
|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Introductions | Introductions of everyone present; clarification of the conduct of the hearing: it will be conducted in an informal, courteous and respectful manner, with all parties following the format outlined below. |
| Preliminary matters | The Chair checks that everyone has a copy of the Format of Hearing on the table. The Chair will establish for the record that no member of the Complaint Panel has had any connection with the matters giving rise to the complaint, or prior knowledge of the Complainant, that may affect their ability to be fair and impartial at the meeting. The Chair will advise that the decision of the appeal panel will be made after the hearing, and all parties will be informed of the decision in writing. The Chair will confirm that this is the final stage of the school's complaints procedure. |
| Complainant's case | The Complainant will be invited by the Chair to give an account of their complaint. The panel and School's Representative will be invited to ask the Complainant questions, if any, via the Chair . At the discretion of the Chair the complainant's first witness, will be invited into the room to give an account of what they saw or know. The Complaints Panel and School's Representative will be invited to ask the Complainant's witness questions, if any, via the Chair . If there are further relevant witnesses, at the discretion of the Chair , they will be invited into the room individually to provide their accounts and be questioned as outlined above. |
| School Representative's Response | The School's Representative will be invited by the Chair to respond to the complaint and make representations on behalf of the School. The panel and Complainant will be invited to ask the School's Representative questions, if any, via the Chair . At the discretion of the Chair the School Representative's first witness, will be invited into the room to give an account of what they saw or know. The Complaints Panel and Complainant will be invited to ask the Complainant's witness questions, if any, via the Chair . If there are further relevant witnesses, at the discretion of the Chair , they will be invited into the room individually to provide their accounts and be questioned as outlined above. |
| Complainant's Summary | The Complainant will be invited by the Chair to summarise their complaint , highlighting evidence, including anything that has emerged in the questioning. |
| School Representative's Summary | The School's Representative will be invited by the Chair to summarise their response to the complaint , highlighting evidence and actions taken in relation to the complaint before the hearing and anything that has emerged in the questioning. |
| Close | The Chair confirms that all parties feel they have had the opportunity to provide the panel with their account and they do not wish to add anything further. The Chair thanks the Complainant and the School's Representative for attending and gives an indication of when they can expect to hear the outcome. The Complainant and School Representatives leave the room together as equals. |
| Decision of panel | The Complaints Review Panel considers all the evidence and comes to its conclusion. The Chair will provide the Complainant and the school with a full explanation of their decision and the reason(s) for it, in writing within 10 school days. |

Appendix 3 – Formal Complaint Flow Chart

1. A complainant indicates that they want to make a formal complaint
2. The school give the complainant Appendix 1 to complete – Formal Complaint Form (FCF)

