



SUDLEY INFANT SCHOOL COMPLAINTS POLICY

The Flowchart of the Complaints Procedure can be found in Appendix 3 pages 15-16 of this policy.

Signed: Miss Sue Milan	October 2017
Reviewed	May 2018
Next review due	Summer 2019

Complaints policy

School Complaints Officer: Ms. R Thomas c/o Sudley Infant School, Dundonald Road,
Liverpool L17 0AE

Purpose of this Policy and Procedure

In accordance with Section 29 of the Education Act 2002, all local authority (LA) maintained 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.

Sudley Infant School is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. Complaints are important to us as we can put things right if they have gone wrong.

This policy and procedure will be used to deal with complaints relating to the school and any facilities or services that the school provides, will ensure that you have access to a clear process for dealing with complaints and show exactly what will happen with your complaint and how long this process will take.

We value all comments about our school and we will endeavour to address your complaints at the earliest stage possible. Should anyone be unhappy with any aspect of the school, it is important that the school learns about this.

As schools have legal responsibilities to deal with many general complaints, this policy outlines how such complaints will be dealt with by the school. This policy covers any general complaints which complainants may wish to raise. Please note that should an informal or formal complaint reveal an issue for which other procedures exist then it will be dealt with under those procedures rather than as a complaint. This policy is not intended to cover those aspects of school life for which there are specific statutory requirements, in particular:

Exceptions	Who to contact
<ul style="list-style-type: none">• Admissions to schools.• Statutory assessments of Special Educational Needs (SEN).• School re-organisation proposals.• Matters likely to require a Child Protection Investigation.	Concerns should be raised direct with local authorities (LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
<ul style="list-style-type: none">• Exclusion of children from school.	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions
<ul style="list-style-type: none">• Whistleblowing.	Schools have an internal whistleblowing procedure for their

	<p>employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to:</p> <p>WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD.</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> • Staff grievances and disciplinary procedures. 	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities. 	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

What is our definition of a complaint?

'An expression of dissatisfaction however made, about actions taken or a lack of action.'

Who can complain?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that school provides, unless separate statutory procedures apply (such as exclusions or admissions).

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

What procedures do we follow to review your complaint?

The vast majority of complaints can be resolved informally. There are many occasions where the appropriate teacher, member of office staff, or the Headteacher, can resolve complaints straight away. It is in everyone's best interests that complaints are resolved at the earliest possible stage and it is important to us that you feel able to raise complaints with members of staff without any formality, either in person, by telephone or in writing in the first instance.

Governors have an important role to play in considering complaints. However, it is important for parents to understand that individual governors will not investigate complaints outside these guidelines. Individual complaints will not be heard by the whole governing board at any stage, as this could compromise the impartiality of any appeal.

The formal procedures will only be invoked when initial attempts to resolve the issue informally are unsuccessful and the person raising the concern remains dissatisfied and wishes the matter to be investigated more formally.

Formal complaints should be raised through completion of the Complaints Form (Appendix 1). Complaints Forms are available from the school office and the school website. Completed forms should be returned to the school office for the attention of the School Complaints Officer, marking the envelope "Private & Confidential".

If the complaint concerns the Headteacher, completed forms should be returned to the school office for the attention of the Chair of Governors, marking the envelope "Private & Confidential".

If the complaint is about the Chair of Governors or any individual governor, completed forms should be returned to the school office for the attention of the Clerk to the Governing Board, marking the envelope "Private & Confidential".

If you have difficulty completing the Complaints Form, please contact the school office for assistance.

Standards

When you make a complaint, these are the standards that you can expect from us:

- An acknowledgement of your complaint within 5 school days.
- A response to any complaint within the timescales outlined for each stage of the process identified below.
- Contact from us if the response is going to take longer, giving details of expected timescales.
- Handle and process your information in accordance with the Data Protection Act.
- Be fair and honest.
- Treat you with dignity, respect and courtesy.

When you make a complaint, these are the standards that we expect of you:

- To treat all of our staff with respect.
- To provide us with all of the information that we need to investigate and respond to your complaint.
- To tell us what you would like us to do to resolve your complaint.

Please note that where the complaint is made jointly by a number of people, it is expected that a nominee/representative speaks on behalf of all complainants

Dealing with unreasonable complaints

The majority of complaints made to the school will be dealt with in a timely and effective manner using the complaints procedure outlined in this policy. In a minority of cases however, the way in which complainants pursue their complaint can impede investigations and lead to significant resourcing issues.

The school has adopted the Local Government Ombudsman guidance in relation to unreasonable and unreasonably persistent complaints

<http://www.lgo.org.uk/publications/advice-and-guidance/unreasonable-complainants>

A complaint can be regarded as unreasonable when the person making the complaint:

- Repeatedly makes the same complaint and refuses to accept the findings of the investigation into that complaint.
- Seeks an unrealistic outcome.
- Has a history of making unreasonable complaints.
- Makes frequent, lengthy, complicated and stressful contact with staff regarding the complaint.

A complaint will also be considered unreasonable if the person making the complaint does so:

- Maliciously.
- Aggressively.
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language.
- Knowing it to be false.

Where unreasonably persistent and/or vexatious complainants are received, the following may be implemented:

- Warnings/agreements for future conduct.
- Restricting telephone calls to a particular day, time or person.
- Restrictions on methods of contact (e.g. in writing).
- Not acknowledging future correspondence that does not present new information.
- Temporary suspension of the person's access to the complaints system.

The complainant will also be informed in writing of any action taken and how long the action will last.

The Governing Board will monitor the level and nature of complaints and review the outcomes to ensure the effectiveness of the procedure and make changes where necessary. The monitoring and review of complaints by the school and the Governing Board are seen as useful tools in evaluating a school's performance. Please note that information shared with the Governing Board about complaints will be anonymised.

Complaints Procedure

Stage 1 – Informal Complaints

1.1. The vast majority of complaints can be resolved informally. There are many occasions where the appropriate teacher, member of office staff, or the Headteacher, can resolve complaints straight away. It is in everyone's best interests that complaints are resolved at the earliest possible stage and it is important to us that you feel able to raise complaints with members of staff without any formality, either in person, by telephone or in writing in the first instance.

1.2. Governors should not be involved at the early stages in case they are needed to sit on an appeal panel at a later stage of the procedure. Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. Governors should not act unilaterally on an individual complaint outside the formal procedure.

1.3. There is no suggested time-scale for resolution at this stage given the importance of dialogue through informal discussion. However it is expected that most issues would be resolved within 10 school days. Should this informal stage require more time, then the school will inform the complainant in writing as soon as this is known.

1.4. Please note that "in writing" means a letter or an email.

1.5. Possible outcomes may include:

- Recommending changes to the school's systems and procedures to ensure similar issues do not occur in the future;
- An apology;
- An admission that the situation could have been addressed differently or better, and steps taken to minimise reoccurrence;
- An undertaking that school policies will be reviewed in light of the complaint;
- No fault found, complaint not upheld, no further action to be taken.

1.6. Should the discussions appear unlikely to resolve matters, either party may initiate a move to Stage 2 of the procedure.

Stage 2 - Formal Written Complaints

2.1. The complainant should set out the precise nature of the complaint on the Complaints Form available from the school office and return this to the School Complaints Officer c/o the school office, marking the envelope "Private & Confidential". The complainant should keep a copy of this form and all other relevant correspondence. Please note, we have a 12-month cut-off from the date of the incident although complaints outside of this timescale may be considered in exceptional circumstances.

2.2. The Complaints Officer will ordinarily be the Headteacher. Should the Headteacher, a member of the School Leadership Team or a governor be the subject of a complaint, this will be dealt with by the Chair of Governors. However, should the Chair of Governors be the subject of a complaint, the complaint will be dealt with by the Vice-Chair of Governors.

2.3. Should a complaint be about a general matter, the Complaints Officer may be able to respond immediately, e.g. if it only requires an explanation of school policy. For complaints that relate to specific actions or events, there is likely to be a need for further investigation in order to clarify the facts. The Complaints Officer or nominated persons will normally undertake this investigation. A nominated person will usually be a member of the School Leadership Team.

2.4. The Complaints Officer will be impartial and will have no previous involvement in the complaint. Care will be taken that they have no personal links with either the complainant or the person against whom the complaint has been made. If there is any doubt about a person's ability to act impartially or fairly or there may be a conflict or potential conflict of interest, the governing board has final decision whether that person should continue in the role of Complaints Officer for the particular complaint. A nominee may be appointed as necessary.

2.5. The Complaints Officer will be familiar with and adhere to the Sudley Infant School Complaints Policy.

2.6. We aim to acknowledge all formal complaints within 5 school days of receipt.

2.7. Investigations at this stage should normally be completed within 20 school days of receipt of the complaint, unless there are circumstances that require a longer investigation. The complainant will be informed in writing should more time be required.

2.8. The Complaints Officer will invite the complainant to a meeting to clarify the complaint. If the complainant accepts the invitation, a friend may accompany the complainant, in the capacity of an observer.

2.9. The school will aim to send a formal written response within 5 school days of the completion of the investigation. This gives a target of 25 school days for the completion of this stage of the procedure.

2.10. Following the stage 2 investigation, the Complaints Officer will decide on the next steps

which may include the following outcomes:

- i. Recommend that appropriate remedial action necessary to resolve the complaint be undertaken, or
- ii. Confirm that all internal investigative measures have been exhausted and uphold the original informal response, if there has been one.

2.11. The decision is confidential to the complainant and to the Complaints Officer.

2.12. Governors should only be advised that a complaint has been made and is being dealt with under the Complaints Procedure.

2.13. The complainant may take the complaint further by submitting an appeal if they are unhappy with the Stage 2 outcome by giving notice of their intention within 10 school days of their receipt of the formal outcome. This notice should be made in writing to the Clerk to the Governors, c/o the school, marking the envelope "Private and Confidential".

Stage 3 - Appeal Procedure

3.1. The complainant must register their wish to appeal the decision stating their grounds for appeal in writing to the Clerk to the Governors c/o the school, marking the envelope "Private and Confidential" and request that it is put before the Complaints Appeal Panel. It is important that the panel is independent and impartial and that it is seen to be so.

3.2. The Complaints Appeal Panel will consist of 3 governors who have no direct knowledge of the case. The Complaints Appeal Panel will be convened by the Clerk to the Governors.

3.3. The membership of any Complaints Appeal Panel will be checked at the beginning of each meeting to ensure all panel members remain untainted.

3.4. Governors will be familiar with and adhere to the Sudley Infant School Complaints Policy.

3.5. We aim to acknowledge all letters of appeal within 5 school days of receipt.

3.6. The Complaints Appeal Panel is the last stage of the complaints process and is not convened merely to rubber-stamp previous decisions.

3.7. The Clerk to the Governors will write to the complainant, the Complaints Appeal Panel, School Complaints Officer and any witnesses with the date, time and location of the hearing, giving a minimum of 5 school days notice. All documents to be considered by the panel will be sent to the complainant, the School Complaints Officer and the Complaints Appeal Panel 5 school days prior to the hearing date. Please note witnesses will only be able to attend for the part of the hearing in which he/she gives evidence. The complainant will also be notified of their right to have a friend and/or interpreter present if they wish. The Chair of Governors will ensure that minutes are taken at the hearing.

The panel will usually be convened within 20 school days of receiving the letter. If this is not possible the clerk will contact the complainant and explain the reasons why and when the hearing is expected to be.

The meeting will allow:

- The complainant to explain their complaint and the School Complaints Officer to explain the school's response.
- Witnesses to be brought by the complainant or School Complaints Officer.
- The complainant, the School Complaints Officer to ask questions of each other and any witnesses.
- The hearing panel to ask questions of the complainant, the School Complaints Officer and witnesses.
- The complainant and the School Complaints Officer to summarise their cases.

See Appendix 5 for Complaints Appeal Panel Checklist.

3.8. The Complaints Appeal Panel may:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to minimise risk of reoccurrence.

3.9. The decision of the Complaints Appeal Panel is final. The panel will aim to send a formal written response within 5 school days of the panel hearing to the complainant, the Complaints Officer and where the Complaints Officer is not the Headteacher, the Headteacher.

3.10. The decision is confidential to the complainant, the Complaints Officer and to the Complaints Appeal Panel.

3.11. Governors should only be advised that a complaint has been made and is being dealt with under the Complaints Procedure. Upon completion of stage 3 of a complaint, governors should only be advised whether the complaint was upheld or not.

Further information:

Appeals to the Secretary of State for Education

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 board has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, we may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with her powers under sections 496 and 497 of the Education Act 1996.

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 or by writing to:

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

Appendix 1: Complaints Form
CONFIDENTIAL

Sudley Infant School Complaints Form
(To register a formal complaint)

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Daytime telephone number: Evening telephone number:
Please give details of your complaint.
What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response)

What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.
Signature:
Date:
Official Use
Date acknowledgement sent:
By who:
Complaint referred to:
Date:

Notes:

i. Completed forms should be returned to the School Complaints Officer c/o the school office, marking the envelope "Private & Confidential". The complainant should keep a copy of this form and all other relevant correspondence. Please note, we have a 12-month cut-off from the date of the incident although complaints outside of this timescale may be considered in exceptional circumstances.

ii. The Complaints Officer will ordinarily be the Headteacher. Should the Headteacher, a member of the School Leadership Team or a governor be the subject of a complaint, this will be dealt with by the Chair of Governors. However, should the Chair of Governors be the subject of a complaint, the complaint will be dealt with by the Vice-Chair of Governors.

Appendix 2: Names of Relevant Personnel

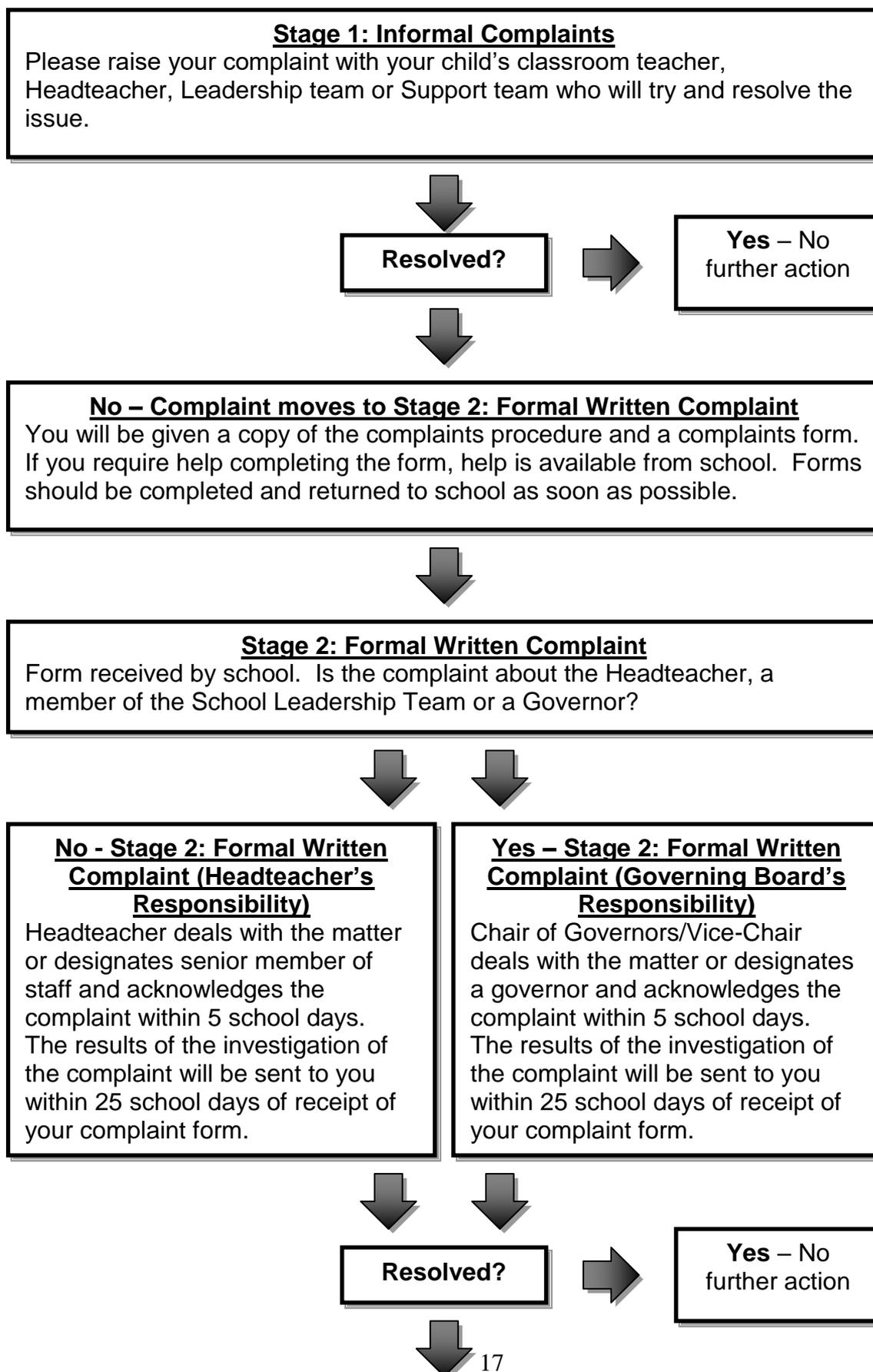
Complaints Officer - Ms R Thomas (Headteacher)

Chair of Governors - Miss S Milan

Vice-Chair of Governors - Mr S Kearney

Leadership Team - Mrs J Leonard (Assistant Headteacher), Mrs P Mylett (Assistant Headteacher) Mrs S O'Rourke (Assistant Headteacher)

Appendix 3: Complaints Procedure Flowchart



Appendix 3 Continued...



No – Complainant may submit an appeal to the Governing Board

Notice must be made in writing within 10 school days of receiving the outcome of the Stage 2 process.



Stage 3: Appeal Procedure

Clerk to the Governors convenes a Complaints Appeal Panel consisting of 3 governors with no prior knowledge of the complaint. All parties will be notified of the date, time and location of the panel hearing, giving a minimum of 5 school days notice.



Appeal hearing will usually take place within 20 school days of the appeal notice being received from the complainant.



Complaints Appeal Panel writes to the complainant, and all other parties including the Headteacher within 5 school days of the panel hearing.



Resolved?



Yes – No further action



No – Complainants retain the right to pursue their complaints with the Secretary of State for Education.

Appendix 4: The Act

Section 29 of the Education Act 2002 requires that:

(1) The governing board of a maintained school in England shall –

- a. establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
- b. publicise the procedures so established.

(2) In establishing or publicising procedures under subsection (1), the governing board shall have regard to any guidance given from time to time by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

“maintained nursery school” means a nursery school which is maintained by a local authority and is not a special school;

Appendix 5: Complaints Appeal Panel Checklist

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their 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 witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is 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 timescale.