



Introduction

This policy sets out the procedure for making a complaint about Kelsey Primary School. It is based on the Lincolnshire County Council model policy.

You do not have to be a parent to make a complaint about Kelsey Primary School - any individual may make a complaint.

This policy may also be used for those matters for which there are no other established policies / procedures.

We strive to provide a good education for all our children. The headteacher and staff work very hard to build positive relationships with all parents. However, the school is obliged to have procedures in place in case there are complaints by parents or guardians. The following policy sets out the procedures that the school follows in such cases.

Linked Policies

The following policies may have relevance to this policy under certain conditions:

- Confidentiality / data protection
- Health and Safety
- Inclusion
- Designated teacher for LAC
- Positive Handling
- Safeguarding
- Whistle blowing
- Special educational needs
- Behaviour
- Code of Conduct

Aims

Our school aims to be fair, open and honest when dealing with any complaint. We give careful consideration to all complaints, and deal with them as swiftly as

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possible. We aim to resolve any complaint through dialogue and mutual understanding. In all cases, we put the interests of the child above all else. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

If necessary, support for the complainant should be arranged, for example, translation of any of the papers provided by the school or the LA, provision of an interpreter or any arrangements necessary to give the complainant full access to the proceedings, for example if the complainant has a disability.

The school expects every member of the school community to behave in a considerate way towards others.

Legal framework

In some circumstances the following may apply to this policy:

- Section 29 of the 2002 Education Act and any amendments or updates.
- Section 409 of the 1996 Education Act and any amendments or updates.

- It is also important to note that Lincolnshire County Council offers advice at:

<http://www.lincolnshire.gov.uk/parents/schools/at-school/complaints-about-schools/36951.article>

Note

It is a primary aim of our school that every member of the school community feels valued and respected, and that each person is treated fairly and well. We are a caring community, whose values are built on mutual trust and respect for all.

- Annex 1 of this policy sets out the actions the school will take in the event of **spurious/vexatious or abusive complaints**.

Statement of Policy

Initial Actions

If you are unhappy about something at Kelsey Primary School, then you can make a complaint. The complaints procedure is explained below. However, if you would like to discuss your concerns with someone in the Local Authority or want advice on making your complaint, then you can speak to the County Council's

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Customer Service Centre Education Team on 01522 782030. **Please note the local authority has no role in the complaint process.**

If your child has special educational needs and your concerns are about the school's management of those needs, you can seek advice from Parent Partnership - phone 01522 553351, or visit their website:

<http://partners.lincolnshire.gov.uk/parentpartnership/index.asp>.

The first step - dealing with complaints or concerns informally

Please arrange to discuss any concerns with your child's class teacher, or with the particular teacher concerned. We hope that most problems can be resolved in this way.

The second step - informal referral to the headteacher

If, after speaking to your child's teacher, you do not feel that your complaint has been properly dealt with, or if your concern is about the conduct of a particular teacher, then you should discuss the matter with the headteacher. In most cases problems can be resolved in this way.

- Any complaint received by the headteacher under this process, whether orally or in writing, should be acknowledged within 5 school days with a full written response within 15 school days.
- It is the policy of Kelsey Primary School to inform a member of staff immediately that a complaint has been made against them, what the complaint is and who made it. The only exception to this is if there are safeguarding matters involved - in which case the school will seek appropriate external advice from LSCB.

The third step - formal referral to the headteacher

Unless the complaint is about the conduct of the head teacher, you should make a formal written complaint to the head teacher. You will then receive a written response or be invited into school to discuss your concerns with the head teacher.

- Any complaint received by the headteacher under this process, should be acknowledged within 5 school days with a full written response within 15 school days.
- It is the policy of Kelsey Primary School to inform a member of staff immediately that a complaint has been made against them, what the complaint is and who made it. The only exception to this is if there are safeguarding matters involved - in which case the school will seek appropriate external advice from LSCB.

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The fourth step - taking matters further - review by the chair of governors

If your complaint is about the conduct of the head teacher, or if you are dissatisfied with the head teacher's response to your formal complaint letter and want to take the matter further, then you can contact the school's governors, in the first instance the complaint will be passed to the chair of governors.

You should send written details of your complaint, with any correspondence and evidence to support your complaint, to the Clerk to the Governors at the school address, marking your envelope 'Private and Confidential'. If, for some reason, you do not feel able to do this, you should contact the Clerk, via the school office, who will hear your concerns and help you to put together a written statement which you will be asked to sign.

No complaint will be investigated by the chair of governors / governing body unless it is made in writing and signed and dated. You should state clearly:

- **Exactly what you are complaining about.**
- **What actions you have already taken, including who you spoke to and when.**
- **What evidence you have to support your allegation.**
- **What you would like the governors or school to do to meet your concerns.**

The only exception to this is if the complaint is about the headteacher. In this case please refer to the section "Complaints against the headteacher" below.

The governors will investigate your complaint according to the school's complaint procedure and write to advise you of the outcome.

- **Complaints received by the Chair should be acknowledged within 7 school days with a substantive response within 20 school days.**

In acknowledging any complaint, the Chair may need to explain the powers of the governing body of the matter in question, and the extent to which it may or may not be possible to achieve the outcome desired by the complainant. In such instances it is important that the complainant is made aware at the outset of the scope of the investigation. However, while it is not within the remit of a governing body to change a decision, it may make a recommendation for the headteacher to consider.

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The Chair may need to hold interviews with the Headteacher and possibly other members of staff and notes should be kept of those meetings.

It is most likely that you will be asked to meet with the chair of governors (and probably other governors as well) to explore your concerns and attempt to reach a resolution. The chair of governors will also speak to members of staff about the complaint to gain a full picture of everybody's perceptions.

The chair may also wish to take advice on particular issues from the relevant officer of the LA. At this stage the LA's governor support team should be informed that the governing body is dealing with a complaint at this level.

After hearing all the evidence, the chair of governors will consider their decision and inform the parent about it in writing. The chair of governors will do all they can at this stage to resolve the complaint to the parent's satisfaction. The letter conveying the Chair's findings should include details of the next stage of the procedure (**the fifth step**).

If you wish to contact the clerk of governors - please contact the school administrator who will put you in contact with the clerk. Or you may write to the clerk C/O the school. Please remember to mark the envelope private and confidential.

Complaints against the Headteacher or a governor

Stage 4 should also serve as the first point at which complaints are specifically directed at the Headteacher or an individual governor. Should the complaint be about the Chair, then the Vice-Chair will undertake the investigation.

Any parent(s) who have a complaint about the headteacher should first make an informal approach to the chair of governors, who is obliged to investigate it. The chair of governors will do all s/he can to resolve the issue through a dialogue with the school, but if parents are unhappy with the outcome, they can make a formal complaint as detailed above, in step four.

The fifth step - Review by Governing Body Complaints Committee

Where the clerk to the governors receives a complaint under these procedures, s/he should arrange for a complaints committee to meet between 12 and 20 school days from receipt of the letter. The governing body should have nominated three members to serve on the committee with

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reserves, to ensure that sufficient governors are available to hold a meeting within the specified time period. When considering the membership of the complaints committee, the governing body should have regard to whether it would be advisable to include governors who are employed at the school. If this were the case, it may be perceived by the complainant that those governors would be unlikely to amend or overturn a decision taken by the headteacher. In those circumstances, the complainant might regard this as grounds to complain to the LA or the Secretary of State. The members of the committee should elect one of their number to act as Chair of the committee for the hearing. ***The Chair of Governors should not be a member of the committee as s/he will have been involved at the previous stage.***

The headteacher should also be informed immediately that a complaint has been received and consulted about the proposed date of the hearing. At this stage the LA's governor support team should be informed that a hearing was taking place.

On issuing notification of the date and time of the hearing, the clerk will need to advise the complainant and the Headteacher that any written documentation they wish the committee to consider will need to be submitted in time to be circulated to committee members 5 days prior to the hearing. The complainant should be advised that they may be accompanied by a relative or friend.

Notification of the hearing should also include details of the way in which the hearing will be conducted (in accordance with current LA guidance). The hearing should be minuted, and copies of all relevant correspondence and notes should be kept on file by the clerk.

The findings of the committee should be notified to the complainant and the headteacher in writing within 5 school days of the hearing.

Complaints about Governors and their decisions

If your complaint is about the conduct of an individual governor, then you should refer the matter to the Clerk to Governors, as above, and it will be put to the Chair of Governors to look into and to respond to you (If it is about the Chair of Governors, then the Vice-Chair of Governors will do this).

The decision of the governors is usually final, but if you are dissatisfied with their response, or you believe that the governors have failed to follow agreed

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policies or procedures - whether the schools own or nationally determined ones - then the next stage depends on what the complaint is about.

However, you can contact the County Council's Customer Service Centre Education Team for guidance on a particular issue (Tel: 01522 782030).

Please see below for actions you can take if you feel the governors have not followed correct policy / procedure.

Further Recourse

If the complainant is dissatisfied with the governing bodies handling of their complaint, further recourse to other agencies is available to them outside the scope of the school's own procedures. However, these agencies would be unable to take any action until the school's own procedures had been completed.

To the Local Authority (LA)

The local authority currently has no role in overseeing complaints.

To the Secretary of State for Education

Complainants have a right of appeal to the Secretary of State for Education under sections 496 or 497 of the 1996 Education Act, if they believe that the LA has acted unreasonably. If the Secretary of State agrees that a complaint is justified, the DFE has the power to require the LA to take certain actions including the issuing of instructions to school governing bodies in appropriate circumstances, although in practice this would be very rarely exercised. The Secretary of State would not take action until the school and LA procedures have been completed.

The UK national government provides information about how to do this at:
<https://www.gov.uk/complain-about-school>

Or you may write to:

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

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To OfSTED

If your complaint is about the quality of education your child is receiving (and you believe the school has not addressed your complaint adequately) or you feel that the school has not acted on advice / guidance provided by the local authority you may also refer the complaint to OfSTED.

Details are available on the OfSTED website:

<http://www.ofsted.gov.uk/schools/for-parents-and-carers/how-complain>

Review

The governing body reviews this policy every four years. The governors may, however, review the policy earlier than this, if the government introduces new regulations, or if the governing body receives recommendations on how the policy might be improved.

Policy Information:

Date adopted by the governing body:	May 2015
Policy Written by:	Magnus Smedley (Headteacher)
Policy Review Date:	May 2019

Signed:

Chair of governors:

Headteacher:

Date:

Annex 1 Leaflet to be sent to persons, who make spurious/vexatious or abusive complaints,

School Policy for Handling Unreasonably Persistent, Harassing or Abusive Complainants

The headteacher and governing body are fully committed to the improvement of our school. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. There is a procedure for parents to use if they wish to make a formal complaint.

Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community.

The aim of this leaflet is to provide information about our school policy on unreasonably persistent complainants or harassment of staff.

What do we mean by 'an unreasonably persistent complainant'?

An unreasonably 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:

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

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What is 'harassment'?

We regard harassment as 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 issues is pursued (as opposed to the complaint itself) causes undue distress to school staff or others;
- it has a significant and disproportionate adverse effect on the school community.

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;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- follow the school's complaints procedure.

Schools' responses to unreasonably persistent complaints or harassment

This policy is intended to be used in conjunction with the school's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty.

However, 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 Unreasonably Persistent Complaints/ Harassment Policy;
- require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;

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- 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 the Local Authority.

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;
- request an Anti-Social Behaviour Order (AS BO);
- prosecute under Anti-Harassment legislation.
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/ Harassment Policy. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.