

*'A place where we aspire to excel in knowledge, faith and love'*

# St James' Church of England

## Junior School

(Voluntary Controlled)



# Complaints Policy

Drawn up by	Rose Boland-Bourne
Date	Summer 2021
Review date	Summer 2023

**Headteacher : Rose Boland-Bourne**

**St James' C of E Junior School**

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**020 8534 4030**

## **Complaints Procedure for Parents/Carers**

The best interests of the child must be a top priority in all decisions and actions that affect children.

Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. This right applies at all times, for example during immigration proceedings, housing decisions or the child's day-to-day home life.

Every child must be free to express their thoughts and opinions and to access all kinds of information, as long as it is within the law.

Every child has the right to an education. Primary education must be free and different forms of secondary education must be available to every child. Discipline in schools should respect children's dignity and their rights. Richer countries must help poorer countries achieve this.

At St James' Church of England Junior School, we undertake to provide a friendly and safe environment in which pupils will be helped to achieve their potential, both academically and socially.

We believe that a close partnership between the school, parents and pupils is essential to ensure pupil progress and well-being. In support of this, parents are invited to enter a Home-School Agreement. This agreement sets out the school's aims and values, as well as the responsibilities of the school and parents, and our expectations of pupils. Through our programme of meetings between parents and teachers, as well as through informal contact, we provide opportunities for parents to raise matters of concern - about the curriculum or more general issues.

This policy sets out the procedures that parents and carers must follow if they have concerns or wish to make a complaint.

### ***Raising concerns and resolving complaints***

From time to time, parents and others connected with the school will become aware of matters which cause them concern. Often those concerns will resolve themselves, but on occasions parents may feel that the issue will need the school's help to be resolved. To encourage resolution of such situations the Governing Body has adopted a 'Complaints Procedure'.

**The procedure is devised with the intention that it will:**

- Usually be possible to resolve problems by informal means.
- Be simple to use and understand.
- Be non-adversarial.
- Provide confidentiality.

- Allow problems to be handled swiftly.
- Address the points at issue.
- Inform future practice so that the problem is unlikely to recur.

As partners in your children's education St James' wishes to work with you in the resolution of problems and this policy is designed to show what steps may be taken:

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### **Stage 1 - Informal**

On most occasions these concerns can be resolved immediately by speaking to your child's class teacher. It may be necessary for you to make an appointment at a time which is convenient to both of you. Please let the teacher know the nature of your concern when making an appointment so that they may investigate further on your behalf if necessary.

The purpose of the meeting should be to establish a solution or to agree a plan of action to resolve the concern. If the meeting fails to do so then you should make an appointment to see a senior leader. The senior leader will normally make further investigations on your behalf and meet with you to suggest a workable solution. If satisfactory resolution has not been reached, you may consider making the matter the subject of a formal complaint by submitting the complaint in writing to the Head Teacher. A formal complaint can be submitted in writing, or by completing a Complaints Form (Appendix 1) which can be obtained from the school's main office.

The complaint is dealt with by an appropriate staff member (who is not the subject of the complaint).

In the vast majority of cases, a concern can and should be resolved by contacting the appropriate member of staff. This may be the subject teacher, year group leader or other designated staff member directly involved with the reported problem.

The initial communication from the complainant to the member of staff may be by letter, telephone conversation or in person by appointment. The complainant must allow the designated staff member at least five days to respond to the concern.

If this does not lead to a resolution of the problem then the concern/complaint must be referred to the next stage of the process, which is the commencement of the formal process.

## **Stage 2 - Formal (if unresolved at Stage 1)**

Formal complainants can be parents/carers of pupils registered at a school, or it could be a member of the wider community or someone representing an ex-pupil. However, anonymous complaints will be dealt with under a different procedure.

### **The complaint is heard by the Head Teacher.**

If the complainant is dissatisfied with the response from the member of staff at Stage 1 they should be advised to put their complaint in writing to the Head Teacher who will deal with it formally at Stage 2. Where the Head Teacher is the subject of the complaint, the complainant should be advised to address their letter, or forward the completed Complaints Form, to the Chair of Governors. If the complaint is being dealt with by the Chair of Governors, this will bypass Stage 2 and go to Stage 3 of the formal procedure and be heard by the Chair of Governors.

The complainant must ensure that they include details of why they are still dissatisfied and what action they would like to resolve the complaint. They can also attach any evidence to support their concerns.

The Head Teacher must acknowledge the complaint within five days by writing to the complainant. The acknowledgement should state a further communication will follow, within twenty school days that will set out the actions taken to investigate the complaint and the findings.

The Head Teacher can delegate another senior member of staff to carry out the investigation and report their findings to them.

The Head Teacher will then reach a conclusion based on the investigation. All notes relating to the investigation should be kept on file. The investigating officer may feel it necessary to meet with the complainant. If this happens, then notes should be produced of the meeting.

The investigating officer will then compile a report detailing their findings. Any recommendations or actions proposed must be considered by the Head Teacher.

Once satisfied that the investigation has been concluded and a decision has been reached, the Head Teacher must notify the complainant in writing of the conclusion and any actions that will be taken as a result. The decision can be communicated by the Head Teacher to the complainant in writing or, if they may feel it appropriate, through a meeting to communicate findings, with a written confirmation to follow.

### **Stage 3 - Formal (if not resolved at Stage 2)**

The complaint is heard by the Chair of Governors (this will be delegated to the Vice-Chair or other nominated governor if appropriate).

If the complainant is dissatisfied with the response from the Head Teacher at Stage 2 they should be advised to put their complaint in writing, in a letter or complaints form (Appendix 1), to the Chair of Governors for consideration at Stage 3 of the procedure. The complainant must ensure that they include details of why they are still dissatisfied with the decision, the recommendations and actions of the Stage 2 complaint and what they require to resolve the matter. They may also attach any evidence to support their concerns that can be additional to that submitted at Stages 1 and 2. The Chair of Governors must write to the complainant within five days of receipt of the complaint to acknowledge this.

The letter should state that another letter will follow within twenty school days setting out the actions taken to investigate the complaint and the findings.

The Chair of Governors will look at all the information pertaining to the complaint submitted by the complainant and the investigatory evidence submitted by the school at Stages 1 and 2. The Chair may want to talk with the complainant or investigating staff members to establish facts and obtain further information

#### **The conclusion could be:**

- The evidence indicates that the complaint was substantiated and therefore upheld.
- The complaint was substantiated in part and what action will be taken.
- The complaint is not substantiated by the evidence and therefore not upheld.

The complainant is also informed that if they are still dissatisfied they can write to the Governing Board directly via the school or Governor Services or School Management Support at Newham Partnership Working outlining why they feel the complaint is unresolved.

### **Stage 4 - Formal (if not resolved at Stage 3)**

The complaint is heard by the Governing Body. This is the final stage of the process.

If the complainant is dissatisfied with the response from the Chair of Governors (or Vice-Chair) at Stage 3 they should be advised that the next stage is to put their complaint in writing, in a letter or complete complaints form (Appendix 1), to the School Governing Body.

The complainant must ensure that they include details of why they are still dissatisfied with the decision of the Chair of Governors, recommendations and

actions of the Stage 3 complaint and what they feel would resolve the matter. They can also attach any evidence to support their concerns in addition to that submitted in Stages 1, 2 and 3. The complaint will be acknowledged within ten school days.

The complaint is considered by a panel of Governors who form a Complaints Appeal Panel. The panel must be independent and impartial. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. The panel must have a cross-section of categories of governors and be sensitive to the issues of race, gender and religious affiliation. If appropriate the panel can be made up of governors from another school.

The panel must convene a meeting to discuss the complaint and all the investigation evidence in order to make a final decision on how to progress. A clerk should be appointed to take notes of the meeting and records must be kept.

The Head Teacher has a statutory duty for the internal organisation and management of the school, which they must carry out in accordance with any rules, regulations or policies laid down by the governing body. Therefore, the remit of governors' consideration of a complaint about a matter of internal organisation and control will be as to whether the Head Teacher has followed any relevant school policies; it is not to substitute its own operational judgement for that of the Head Teacher's.

#### **The panel can decide:**

- To convene a meeting with the complainant. If a meeting is to be convened, the person chairing the meeting, either the Chair or Vice-Chair (whomever did not deal with the complaint at Stage 3), will write to the complainant to acknowledge the complaint within ten school days. The letter would also include the date, time and venue of the convened meeting to hear the complaint.
- Decide on the appropriate action to be taken to resolve the complaint
- For non-complex complaints, not to meet with the complainant, but to use all the information available to them and make a decision on the complaint as there is enough information to allow for a decision to be made.

#### Possible outcomes for the panel:

- Dismiss the complaint in whole or in part.
- Uphold the complaint in whole or in part.
- Recommend changes to school systems or procedures to ensure that similar incidents do not occur.

An outcome letter will be sent to the complainant within twenty school days of the meeting.

## **Investigating complaints**

St James' will ensure that at each stage, the person investigating the complaint: -

- Establishes what has happened so far.
- Identifies who has been involved.
- Understands the nature of the concern or complaint.
- Knows what issues remain unresolved.
- Has contacted the complainant to establish and clarify information.
- Has spoken to or interviewed those involved as required.
- Conducts meetings with an open mind and is prepared to persist with questioning and finding the answer.
- Keeps accurate records of the complaint including notes of any meetings and discussions and if required, arrange for a minute/note taker.

## **Resolving complaints**

St James' will acknowledge and register complaints from complainants. The possible outcomes of a complaint will be one or more of the following (this list is not exhaustive):

- Not substantiated.
- An apology.
- An explanation of exactly what happened with clarification of the facts.
- An admission that the situation could have been handled differently or more appropriately.
- An assurance that the event complained of will not reoccur.
- An explanation of the steps that have been taken to ensure that it will not happen again.
- An undertaking to review school policies in light of the complaint.

## **Persistent or Vexatious Complaints**

Most concerns can be resolved in a reasonable manner. The school aims to uphold standards of courtesy and reasonableness that should characterise all communication between St James' and persons who wish to express a concern or pursue a complaint.

We aim to support the well-being of pupils, staff and everyone else who has legitimate interest in the work of the school, including governors and parents, and aim to deal fairly, honestly and properly with persistent complainants and those who harass members of staff in school while ensuring that other stakeholders suffer no detrimental treatment.

If a complainant behaves in an unreasonable manner such as; actions which are obsessive, persistent, harassing, prolific and repetitious, with excessive e-mail, telephone or social media use such as Facebook, about a concern or complaint, we may view this as vexatious.

We will not tolerate unreasonable behaviour which is aggressive, abusive, making insulting personal comments or threats towards staff, which causes ongoing distress to school staff and/or has a significant adverse effect on the school community.

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 comments 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 (face-to-face, by telephone, 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 number 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.

If the behaviour continues the Head Teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact St James' Church of England Junior 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 or aggression or violence, the concerns and actions will be put in writing immediately and the police informed. This may include: -

- Banning the individual from entering or contacting the site; with immediate effect (via letter or by blocking email or/and phone calls and request that social media sites remove vexatious comments.
- Requesting an Anti-Social Behaviour Order (ASBO)
- Prosecuting under Anti-Harassment legislation
- Calling the police to remove the individual from the premises, under powers provided by the Education Act 1996.

The Chair of Governors and the Head Teacher may well close a complaint if it is deemed 'vexatious'. This may happen if it is clear there is insufficient evidence to pursue the case but a complainant is persistently raising the issue. Equally this may happen if a complaint has been investigated and no justification for the complaint found.

A complainant may decide to pursue an issue with the Secretary of State at the Department for Education (see Appendix 2).

### **Further information**

The outcome letter from the School Complaints Panel exhausts the Stage 4 procedure. If the complainant is dissatisfied with the process, they are able to contact:

### **Complaints Process - Appendix 2**

*'A place where we aspire to excel in knowledge, faith and love'*

The Secretary of State for Education  
The School Complaints Unit (SCU)  
Department for Education  
2nd Floor, Piccadilly Gate  
Manchester  
M1 2WDa

The SCU will examine if the School Complaints policy and any other relevant processes were followed. The SCU will also examine policies to determine if they adhere to education legislation. However, the SCU will not re-investigate the substance of the complaint.

Information used to write this policy:

Newham Partnership Working - Managing school complaints in maintained schools  
DFE - Best Practice Advice for Complaints Procedures 2016

**Appendix 1**

**Complaint to Governor: Step 5 Formal Concern Form**

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<b>Have you spoken to the Class Teacher?</b>	<b>YES</b>	<b>NO</b>
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<b>Have you spoken to the Phase Group Leader=Assistant Head / Deputy Head Teacher?</b>	<b>YES</b>	<b>NO</b>
<b>Have you spoken to the Head Teacher?</b>	<b>YES</b>	<b>NO</b>
Signed		
Date		

Please return this form to the Chair of Governors C/O St James' COFE Junior School

(Signed) \_\_\_\_\_ Dated \_\_\_\_\_ (Head Teacher)

(Signed) \_\_\_\_\_ Dated \_\_\_\_\_ (Governor) Policy Date:

Spring 2021

Review Date: Spring 2024

## **Appendix 2 - Complaints Process**

### **What to do if you have a concern or complaint**

#### **Stage 1 - Informal**

Speak to the class teacher, or a senior leader e.g. Assistant Head Teacher

If not resolved....

#### **Stage 2 - Formal**

Submit complaint in writing to the Head Teacher

If not resolved...

#### **Stage 3 - Formal**

Complete and submit Complaints Form to Chair of Governors

If not resolved....

#### **Stage 4 - Formal**

Submit Complaints Form to Governing Body for Complaints Appeal Panel hearing. Panel comprise of 3 impartial Governors.

If not resolved...

Write to: Secretary of State for Education  
The School Complaints Unit  
Department for Education  
2<sup>nd</sup> Floor, Picadilly Gate  
Manchester  
M1 2WD