



  
**Bright Stars**

**Rudston Primary School and**  
**Bright Stars Nursery**

**Complaints Policy**

**Date: September 2019**

**This policy and all school policies are produced in accordance to guidance set out in our school legislation and guidance policy.**

**Approved By Governors: September 2019**

**Review Date: Autumn Term 2020**

## **Our Mission Statement:**

To develop a love of learning,  
enabling all children  
to reach their full potential.

\* Respect \* Resilience \*  
\* Responsibility \* Enjoyment \*  
\* Challenge \*

## **Safeguarding Statement:**

“Rudston Primary school is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.”

# Complaints Policy

## Introduction

At Rudston Primary School we strive to provide the best 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 policies in place in case there are complaints by parents, guardians or the general public. The following policy sets out the procedures that the school follows in such cases. If any parents are unhappy with the education that their child is receiving, or have any concerns relating to the school, school facilities, we encourage them to talk to the child's class teacher immediately. We deal with all complaints in accordance with procedures laid down by the Department for Education, January 2016. If the school itself cannot resolve a complaint, those concerned can refer the matter to the Secretary of State for Education

## Aims:

Our school has a defined complaints policy. We will be fair, open and honest when addressing any complaint. We give careful consideration to all complaints, and deal with them as swiftly as possible. We will aim to resolve the any formal complaint to the satisfaction of the school and the complainant however this is not always 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.

## The difference between a concern and a complaint

A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A 'complaint' may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

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

On the rare occasions where a formal complaint is raised, the school's formal procedure will be invoked through the stages outlined within their procedure.

**(Guidelines as per Department of Education, Jan 2016)**

## Recording Complaints

We will ensure that we comply with our obligations under the Equality Act 2010.

- We ask that formal complaints are made by using the designated complaint form, however we understand that the complainant may have communication preferences due to disability or learning difficulties and in these circumstances we will allow alternative methods of contact:

it is not acceptable to use the school email to communicate a complaint.

- All evidence of meetings and telephone calls will be kept and a copy of any written response added to the record. Where there are communication difficulties, we may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point;

- We will record the progress of the complaint and the final outcome. The headteacher will be responsible for these records and hold them centrally on CPOMS.

- We are aware that complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts. **(As per Guidelines - Department of Education, Jan 2016)**

## Governing Body Review

We will not share a complaint with the whole governing body, except in very general terms, in case an appeal panel needs to be organised;

- If the whole governing body is aware of the substance of a complaint before the final stage has been completed, we will arrange for an independent panel to hear the complaint. We may approach a different school to ask for help or the local Governor Services team at the LA, or the Diocese;
- Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. We will consider the request but ultimately, the decision is made by the governors;
- The process of listening to and resolving complaints can contribute to school improvement. When individual complaints are heard, we are aware that underlying issues may be identified that may need to be addressed. The monitoring and review of complaints can be a useful tool in evaluating a school's performance thus the governing body may wish to consider using complaints to review their handling at regular intervals to inform improvements and the effectiveness of the complaints procedure;
- In line with good practice we will aim to conduct a review every two to three years. This will enable the school to take into account any new guidance issued by the Department for Education or legislative changes. Review dates will be published on the policy document and we will aim to adhere to them.

## Complaints not in the procedure

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

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs (SEN)</li> <li>• School re-organisation proposals</li> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
<ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/schooldisciplineexclusions/exclusions">www.gov.uk/schooldisciplineexclusions/exclusions</a>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

## Serial and Persistent Complainants

We do our best to help people who contact us with a complaint or concern or a request for information. However, in cases where, we as a school, are being contacted repeatedly by an individual making the same points, or who asks us to reconsider our position, we will need to act appropriately. There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for us to recognise when we really have done everything we can in response to a complaint. It is a poor use of our schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors will inform them that the procedure has been completed and that the matter is now closed. If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and our school may choose not to respond. However, we will ensure that we do not mark a complaint as 'serial' before the complainant has completed the procedure. Under no circumstances will an individual be marked as 'serial' for exercising their democratic right to refer their complaint to their local MP, regardless of which stage the complaint has reached. The application of a 'serial or persistent' marking will be against the subject or complaint itself rather than the complainant. (as per Guidelines - Department of Education, Jan 2016)

The decision to stop responding will never be taken lightly. Our school will ensure it is able to say yes to all of the following:

- The school has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and their options (if any);
- They are contacting the school repeatedly but making substantially the same points each time. The case is stronger if the school agrees with one or more of these statements:
  - The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone call?
  - Their letters/emails/telephone calls are often or always abusive or aggressive.
  - They make insulting personal comments about or threats towards staff.

We will not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances it will be the subject matter we choose to refuse to respond to, not the correspondent. We will provide parents with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005.

However, where an individual's behaviour is causing a significant level of disruption we may wish to implement a tailored communications strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term.

Complainants have a right to have any new complaint heard as failure to respond at all to a complainant could mean that the school is failing to comply with its legal obligations. We will ensure that we are acting reasonably and that any genuine complaint can still be heard.

If our school staff find it difficult to deal direct with a complainant because of their unreasonable behaviour and other strategies are not working, we may approach the governor services team at Liverpool City Council to ask for assistance. If this is agreed, complainants could be advised not to contact the school, but to communicate instead with LCC who will co-ordinate any response.

Complainants who may have been restricted in their communications with the school will be advised to ask a third party to act on their behalf, such as the local Citizen's Advice Bureau.

Ultimately, if a complainant persists to the point that the school considers it to constitute harassment, legal advice will be sought as to the next steps. In some cases, injunctions and other court orders have been issued to complainants because of their behaviour.

Different procedures apply to FOI and Data Protection (DP) correspondence. The school will contact our FOI/DP advisor about those or approach the ICO for further advice. Once a decision has been made that it is appropriate to stop responding, we will let the complainant know; ideally, through a hard copy letter but an email will suffice. (As per guidelines - Department of Education, Jan 2016).

## **SECTION 1**

### **GENERAL COMPLAINTS - INFORMAL STAGE PRINCIPLES**

- To try and deal with issues informally wherever possible.
- Direct issues to phase leaders who can deal with them without having to initially involve the Head teacher
- Be prepared to admit where the school has not performed as agreed
- Adapt a view of welcoming parents/carers who raise issues seeing them as advocates for their children.
- Be prepared to learn and implement change if warranted and acknowledge this to parents.
- Always keep in mind the wish to maintain good relationships with the wider community of the school.
- Maintain a process that is impartial, non-adversarial and confidential.
- Always try to resolve complaints as quickly as possible.
- Keep any staff involved informed and review the outcomes with them.

### **Guidelines for Resolving Complaints:**

- Listen to the complaint in a non-judgemental objective manner.
- At the informal stage or as detailed in your formal procedures allow yourself time to respond and check all the facts as presented to you.
- Indicate a time by which you will reply and ensure you do.
- Respond to the facts.
- Respond honestly and be prepared to acknowledge any shortcomings by the school and detail actions you will take to resolve the issue
- Bear in mind that agreeing the school could have dealt with a situation better is not an admittance of negligence.
- If the complaint can best be dealt with by other staff who may have been involved allow them to do so, (following an appropriate briefing/conversation).
- The school should ensure they inform the complainant about what steps have been taken to resolve their complaint. However, in the event of a sanction being issued to a member of staff following a complaint the school is not required to provide details about the process or the sanction delivered.
- It is recognised that schools can be the subject of vexatious complaints and where, following completion of the process, this is the case, it is appropriate to seek an apology from the complainant.

We will monitor complaints of all types and use the data to inform school development and improvement. Recording complaints even where they have been dealt with informally is good practice. For any formal complaint a log and record of all actions, phone calls, letters etc will be kept.

## SECTION 2

Our school's formal complaints procedure falls into three parts if we have been unable to deal with the issue informally.

### STAGE 1:

The complainant makes a formal complaint in writing to the schools designated complaints officer usually the Headteacher. We will use a complaints form for this purpose. (See Appendix 2 for an example)

- The school will first decide if the complaint relates to safeguarding or professional conduct or if the complainant is a member of staff constitutes a grievance and follow the appropriate procedures accordingly.
- The complaints officer will respond in writing within the time frame specified in our school's procedures, ( 5 working days). Initially the response will outline our proposed actions to investigate or seek further information. Our response or outcome to the complaint should then be notified to the complainant again, (normally a maximum of 10 days), addressing particularly all factual issues raised. If the complainant responds again in writing with other issues or not accepting the initial response we will respond again in writing. A meeting with a senior member of staff or the Headteacher may be appropriate. If it is felt a definitive response has been provided we will include the additional steps complainants can take within the procedure.

### STAGE 2:

If the complainant feels their issue has not been dealt with to their satisfaction at **Stage 1** there will be recourse to making a complaint to a committee of the governing body. (**Appendix 1**)

### STAGE 3:

If the complainant is still not happy with the outcome following representation to the governing body the final stage is to complain directly to the Secretary of State not the LA. We will provide complainants with the necessary details to do so if they wish. The Secretary of State can only respond to complaints if;

*"a person believes that a governing body or LA is acting 'unreasonably' or is failing to carry out its statutory duties properly (see sections 496 and 497 of the Education Act 1996). However, intervention can only occur if the governing body or the LA has failed to carry out a legal duty or has acted unreasonably in the performance of a duty.*

*Intervention would have to be expedient in the sense that there would have to be something that the Secretary of State could instruct either party to do to put matters right. The Secretary of State must be satisfied that a decision is unreasonable in the sense that no reasonable authority or governing body, acting with due regard to its statutory responsibilities, would have reached that decision."* (Guide to the Law for School Governors. Jan 2010)

In cases where a complaint is received specifically about the provision of collective worship in our school or National Curriculum Entitlement a complainant may then take the complaint to the Local Authority. In this instance we will point this option out to complainants.

Our Complaints officers when formally investigating complaints will base their process on the procedures and best practice to ensure that if a complaint goes forward to governors they are presented with good quality information to base decisions on.

- Establish the facts don't assume anything
- Contact the complainant and clarify the exact nature of the complaint
- Gather as much information as possible
- Try to be objective and independent
- Consider relevant witnesses and any other evidence
- Seek advice if necessary
- Write a report
- Consider any appropriate action

### SECTION 3

Where we receive a complaint about the conduct of a member of staff we will initially make a judgement whether this could be considered a disciplinary issue or more importantly a safeguarding issue.

Should we receive complaints about the conduct of staff in relation to a number of issues. Examples can include, the manner in which staff relate to parents or others outside of school, failure to provide information or breaches of confidentiality, reports of staff behaving in a way that contravenes the school code of conduct or school procedures, financial irregularity.

Where the complaint comes under the area of professional conduct then we will follow their agreed disciplinary procedures. (Council Agreed Procedures available on EDNET). This would include formal investigation that would then lead to further appropriate steps under the procedures if required.

### SECTION 4

Should our school receive a complaint that can be construed as a safeguarding concern, i.e. conduct of a member of staff towards a pupil, action by a member of staff that could have put pupils at risk, or conduct of a staff member that could be construed as inappropriate e.g. misuse of information technology; then the school will refer immediately to the, 'Managing Allegations Against Staff Procedures' issued by Liverpool Safeguarding Board and available on EDNET. If we are unsure how to proceed, the school will contact the 'LADO', Local Authority Designated Officer for advice.

### SECTION 5

In situations where staff make a complaint about other staff or governors or a governor initiates a complaint about a member of staff the initial decision should be once again whether it relates to safeguarding, professional conduct or constitutes a grievance. Examples of grievances mainly occur where staff are raising an issue against a more senior member of staff referring to, for example, workload, or how the person is treated in their job. Other examples could be, how staff behave in the staff room or at staff meetings. We will follow the agreed procedures for managing grievances available on EDNET.

### SECTION 6

In the case of complaints received in school related to SEN provision for an individual pupil or group of pupils the initial route for dealing with the issue raised would be through the school's general complaints procedures including efforts to resolve issues informally wherever possible. This would include pupils on the school's SEN register at school support.

Where pupils have a statement of special educational need, the annual review process should also be used to help resolve issues raised. As part of the statementing process parents will be made aware of the appeals process during the drawing up of the initial statement and the role of the annual review meeting in raising concerns about provision.

We will differentiate between a complaint about our own provision which will be dealt with via our own school procedures and a complaint about appropriate provision which may involve the LA, e.g. levels of support, access to therapies etc.



## APENDIX 1: Complaints Form

Please complete this form and return it, via the school office, to the Headteacher (or Clerk to the Governing Body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Relationship with school (e.g. parent of pupil on roll):

Pupil's name (if relevant to complaint):

Your address:

Telephone Numbers

Daytime:

Evening:

Email address:

Please give concise details of your complaint, including all relevant dates, names and facts, to enable the matter to be fully investigated. You may continue on separate paper, or attach additional documents, if you wish.

What action, if any, have you already taken to try and resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

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

Signed.....

Date.....

SCHOOL USE

Date form received: Received by:

Date acknowledgement sent: Acknowledgement sent by:

Complaint referred:

Date: