

Lydbrook Primary School
(including Robins Nursery)
Complaints Policy

Where anything is Possible

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| Policy Reviewed: | Annually |
| By: | Full Governing Body |
| Agreed: | 27.11.2019 |
| Next Review: | Regularly – or Autumn 2021 |

Policy Purpose

The purpose of this policy is to clearly outline the process that will be followed in the event of a complaint to school. There is a form to be completed which can be found in the Appendix.

Policy Aims

- To outline the difference between a concern and complaint
- To identify who is able to make a complaint
- What complaints will not be considered under the policy due to alternative statutory processes
- To clearly outline the process that will be followed when an individual makes a complaint
- To identify what you should do if you wish to withdraw a complaint
- To outline the process should the complaint be made against the Headteacher
- Identify any next steps following the outcome of a complaint
- To explain the school's policy in relation to serial or unreasonable complaints.

The difference between a concern and 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 defined as "*an expression of dissatisfaction however made, about actions taken or lack of actions*".

Who can make a complaint

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, can make a complaint to Lydbrook Primary School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relation to exclusions or admissions), we will use this complaints procedure.

Complaints that will not be considered under this Policy

This procedure covers all complaints about any provision of community facilities or services by Lydbrook School, other than complaints that are dealt with under other statutory policies, including those listed below

| Exceptions | Who to contact |
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| <ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals | <p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Gloucestershire County Council</p> |
| <ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation | <p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> |
| <ul style="list-style-type: none"> • Exclusion of children from school | <p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> |
| <ul style="list-style-type: none"> • Whistleblowing | <p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> |
| <ul style="list-style-type: none"> • Staff grievances | <p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p> |
| <ul style="list-style-type: none"> • Staff conduct | <p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</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. Please contact them direct.</p> |

Principles of the complaints process

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of this complaint's procedures. Lydbrook School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

Complaints Procedure

Informal stage

It is normally appropriate to communicate directly with the member of staff concerned or the Headteacher.

This may be by letter, by telephone or in person by appointment. They may also be made by a third party acting on behalf of a complainant as long as they have appropriate consent to do so. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases the School Business Manager will refer you to another member of staff. Similarly if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another member of staff. 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.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Lydbrook School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

Complaints against school staff should be made in the first instance to Mr Simon Lusted, Headteacher via the school office. Please mark them as Private and Confidential.

Complaints that involve or about the headteacher, should be addressed to Mrs T. Roberts, Chair of Governors, via the school office. Please mark them as Private and Confidential.

For complaints against individuals on the governing body, please address your complaint to the clerk@lydbrook.gloucs.sch.uk, who will identify if we have sufficient enough non previously involved governors to hear the complaint. If not it will be heard by a committee of independent co-opted non Lydbrook Governors if we are able to arrange this.

Formal stage

Formal complaints may be made in writing preferably by completing the form template included at the end of this procedure – Appendix 2. If you require help in completing the form, please contact the school office. You can also ask third party organisation like the Citizens Advice to help you.

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

For instance, providing information in alternative formats, assisting complainants in a formal complaint or holding meetings in accessible locations.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate will determine whether the complaint warrants an investigation.

Timescales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

You can make the complaint by email, however please do ensure you include all the information requested on our template to speed up resolution of your complaint. If you do not have access to emails, you can forward the complaint via the School Business Manager. **All complaints should be marked private and confidential.**

In all cases, the person(s) considering the complaint will ensure that:-

- Record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within three school days.
- Within this response they will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to seek. A face to face meeting may be considered as the most appropriate way of doing this.
- They will establish what has happened so far and who has been involved.
- They have detailed the nature of the complaint and what remains unresolved.
- They have identified the complainant and clarified what they feel would put things right.
- They have kept notes on any formal discussions and agreements reached to date.
- A timely and efficient approach is adopted to resolve the matter.

Complaints will be considered, and resolved, as quickly and efficiently as possible. At each stage it will be made clear by the person responsible for hearing the complaint within the realistic time limits for each action to take place.

If other bodies are investigating aspects of the complaint, for example the police, local authority Safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Lydbrook 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.

The School Business Manager will hold a central file of all complaints and will report the number and nature of complaints each term to the Governing body.

Stage 1 – Head Teacher

The Head Teacher will respond to any complaint made to acknowledge its receipt. If it is not obvious from the complaint itself, the headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

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

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 the 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 the 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 reasons for it. Where appropriate, it will include details of actions Lydbrook School will take to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint to Stage 2 should they remain dissatisfied with the outcome of Stage 1.

Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing body's complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Clerk, via the school office, within 5 school days of receipt of the Stage 1 response. The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing

(either by letter or email) within 5 school days. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 10 school days of receipt of the Stage 2 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 three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

In advance of the meeting the clerk will:

- Within 5 days of the meeting, confirm with all parties the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible.
- Request copies of any further written material to be submitted to the committee at least 5 days before the meeting.
- Circulate any written materials submitted to the complaints panel to all parties at least 3 school days before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

Complaints Panel

The complaints panel will consist of at least three governors with no prior involvement or knowledge of the complaint. If there are fewer than three governors from Lydbrook 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 panel.

Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Panel

The panel will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend but not a legal representative or member of the media.

The panel 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.

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 must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

Panel Outcomes

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 Chair of the Committee will provide the complainant with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Lydbrook School.

See Appendix 3 for a summary of the Roles and Responsibilities of those involved in the Complaints procedure.

Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Lydbrook School. They will consider whether Lydbrook School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester M1 2WD.

Withdrawal of a complaint

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

Serial and Unreasonable Complaints

Lydbrook School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Lydbrook School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 and complicated contact with staff regarding the complaint in person, in writing,

by email and by telephone while the complaint is being dealt with

- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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.

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact Lydbrook 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 be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Lydbrook School.

This Policy and the procedures herein have been written with reference to "Best Practice Advice for School Complaints Procedures DfE January 2019"