

# KINGS COPSE PRIMARY SCHOOL

## Complaints Policy

### Aims and Purpose

The aim of this policy is to provide a clear and structured method for complaints to be discussed and dealt with. It recognises that things can go wrong and that the school is committed to resolving concerns as quickly and effectively as possible.

### The procedure aims to:

- Resolve concerns through informal discussions at the earliest stage
- Be speedy, with well defined timescales and named contacts
- Focus on resolution and service review rather than blame
- Be accessible to people with disabilities, special needs or language barriers
- Promote confidentiality and discretion
- Include fair and transparent investigative processes for staff as well as complainants
- Be forthright in dealing with vexatious, abusive, malicious and anonymous complaints

### Guidance

A staged approach dealing with complaints will be used. The stages are sequential and it would not therefore be appropriate to miss out any stages in the process.

### The Preliminary Stage

- ▶ It is hoped that most concerns will be dealt with at this stage
- ▶ In most circumstances it will be appropriate for the concern to be raised informally with the child's class teacher
- ▶ If the concern is about the headteacher, the preliminary discussion should be with the headteacher – if the circumstances or nature of the concern make this impossible, then parents are advised to go to Stage 2 of the process and approach the Chair of Governors.

### Stage 1 – HEADTEACHER

- ▶ If the preliminary stage has failed to resolve the concern, then parents should write to the headteacher, detailing their concerns and enclosing any appropriate paperwork
- ▶ The headteacher will respond to the parent in writing as soon as possible, with a full response within five working days
- ▶ If the complaint requires an in depth investigation, the headteacher will acknowledge this and let the complainant know that a response will take longer than usual. This will be within twenty working days.
- ▶ If the parent remains dissatisfied, the headteacher will give a final response, usually in writing and refer the parents to Stage 2 of the process.

### Stage 2 – CHAIR OF GOVERNORS

- ▶ If Stage 1 has failed to resolve the concern, and then parents should write to the Chair of Governors (name and address available from the school office).
- ▶ The letter should outline the complaint, explaining the reasons for pursuing it beyond the headteacher's response and enclosing any relevant paperwork.
- ▶ The timescale for responding to this will be the same as for the headteacher, i.e. within 5 working days or 20 working days if an in depth investigation is required.
- ▶ The key aim of this stage is to try and achieve conciliation between all parties in an informal way and to prevent further escalation of the disagreement.
- ▶ The Chair of Governors will decide who is responsible for dealing with the issues involved and therefore what powers are available to Governors. The Chair will decide whether the issues are related to responsibilities that:
  - Are delegated to the headteacher by the Governing body
  - Fall within the Governing body's remit only
  - Are within the headteacher's terms and conditions of employment and relate to the internal organisation and management of the school

▶ Where the issue is a delegated responsibility or falls within the remit of the whole Governing body, the Chair may look at the whole issue afresh. The Chair will reconsider the matter, looking at any new information that the headteacher may not have been aware of. In light of this review the Chair may ask the headteacher to give the matter further consideration.

▶ Where the matter relates to the headteacher's conduct, the Chair will decide whether the matter should be dealt with through the complaints procedure or the separate staff disciplinary procedure.

▶ Where the matter is within the headteacher's responsibility, the Chair is only empowered to look at whether the headteacher's decision or action was reasonable in the light of the information available at the time.

### **Stage 3 – GOVERNING BODY'S COMPLAINTS PANEL – Reconsideration or Review**

▶ If Stage 2 has failed to address the concern, the parents should write to the clerk of Governors (name and address available through the school office), requesting an appeal to the Governing body.

▶ Parents should describe the issues in detail and say why they are dissatisfied with the outcomes of the previous stages.

The parent will be informed of the Governor's powers relating to the complaint, i.e. that they can either:

- Reconsider (considering afresh), when the issue relates to delegated responsibilities
- Review, if the matter falls within the headteacher's decision making remit

▶ The panel can reconsider the matter, that is look at the matter afresh, with any new information that the headteacher may not have been aware of at the time of the original response or action.

▶ In the light of the additional information, the panel may decide to write to ask the headteacher to give the matter further consideration.

#### **Review:**

The panel will only have power to review the decision. It may look at whether the decision or action was unreasonable. An unreasonable decision might be one that is irrational: a decision that no reasonable headteacher, properly aware of his/her duties and properly taking into account the facts of the case before him or her, would make.

The panel will consider the facts as they were known to the headteacher at the time and then consider whether the headteacher:

- Failed to take account of a relevant consideration; and/or
- Took into account an irrelevant consideration; and/or
- Made a perverse decision in the light of the evidence available at the time.

If new evidence comes to light, the panel should refer it back to the headteacher, who may consider amending the decision in the light of that new information.

Where a meeting of the panel is required, the Clerk will arrange this. The panel will consist of three Governors with no prior involvement in the matter, with the Chair being decided before the meeting. The meeting should be as informal as possible but will follow a formal agenda. The Clerk will inform the complainant of the panel's decision within two working days of the meeting.

For issues related to the National Curriculum or Religious Education, parents have a further right of appeal to the LA. For general complaints this is the final stage of the schools complaints procedure. If the parents still feels that the issue has not been appropriately dealt with the only recourse is to the Secretary of State for Education.

### **Stage 4 – LOCAL AUTHORITY**

Parents who have exhausted the school's procedures have further right of appeal if the complaint relates to:

- The National Curriculum and related matters
- Provision of Collective Worship and Religious Education

For general complaints about the school the LEA has no remit or powers. Therefore individual general complaints which relate to internal school matters and have exhausted the school's own complaints

procedures has no right of appeal to the LEA as it has no powers to direct the school to change its decision. For further advice from the LA, parents should contact Children's services complaints team:

Children's Services Complaints Team  
Children's Services  
Elizabeth II Court East  
Winchester  
Hants  
SO23 8UG

Tel: 0845 603 5620 Email: [childrens.services.complaints@hants.gov.uk](mailto:childrens.services.complaints@hants.gov.uk)

### **The Secretary of State**

If a parent wishes to pursue a complaint because they feel the school has acted unreasonably, they can write to the Secretary of State. The school and the LEA will be contacted for more detailed information. The Secretary of State has the power to direct the school to revise an action using the same criteria as applied by Governors.

### **Vexatious Complaints**

In rare circumstances a complainant might, having exhausted the complaints procedure persist with the complaint. Complaints become vexatious when they are:

- Repeatedly and obsessively pursued; or
- Unreasonable or seeking unrealistic outcomes; or
- Reasonable but pursued in an unreasonable manner.

Where this is the case, all contacts with the complainant will be directed to and dealt with only by the headteacher.

If a conclusion has been reached about a complaint, but the complainant continues to pursue it, the school will write and reiterate that the matter is concluded and there will be no further correspondence.

### **Abusive Complaints**

All parties have a right to be treated courteously and with respect. If staff feel threatened, they should report their fears to the headteacher who will consider:

- Writing to the complainant requesting that the behaviour cease
- Setting restrictions for further contact with staff
- Reporting the incident to the police

If a telephone caller becomes aggressive or offensive, the person taking the call should explain that they will end the call if the behaviour persists. If they need to hang up, they should record this action and any further incidents. Repeated abusive or aggressive contacts can be considered as harassment and will be reported to the police.

### **Anonymous Complaints**

The school will not respond to any anonymous complaints unless:

- The issue and fear of identification are genuine
- The issue is one of child protection

**Approved by Governors:**  
**To be reviewed:**

**May 2016**  
**Autumn 2019**

**Signed:**  
**Laura Gest Chair Of Governors**