




ST JAMES C of E JUNIOR SCHOOL

Complaints Procedure

2019 / 2020

Author/Contact	H Maiden	
Document Path & Filename	Staff shared/Policies, Protocols and Procedures	
Document Reference	Complaints Procedure	
Version	03	
Status	STATUTORY POLICY	
Publication Date	December 2019	
Related Policies	This Policy should be read alongside the supporting CCC document 'Handling Complaints – Guidance for schools' Sept 2016	
Review Date	December 2021	
Approved/Ratified by:	Governing Body	Date: 16/12/19
Name: REV. ROBERT JACKSON		
Position: CHAIR		
Signed: 		
<p>Please note that the version of this document contained within the Policy Folder on Staff Shared is the only version that is maintained.</p> <p>Any printed copies should therefore be viewed as “uncontrolled” and as such, may not necessarily contain the latest updates and amendments.</p>		

Version	Date	Comments	Author
01	September 2016	Original document	Andrea Bragg
02	September 2017	Reviewed – no changes made to DfE policy/guidance	Andrea Bragg
03	December 2019	Highlighted Changes	Hannah Maiden

ST JAMES CE JUNIOR SCHOOL COMPLAINTS PROCEDURE

The procedure below fulfils the requirements of The Education Act 2002 (Section 29) for "all governing bodies to have a procedure to deal with complaints relating to aspects of the school, and any community facilities or services that the school provides."

This procedure does not apply to (and should not be used for) statutory appeals in relation to:

- Admissions ([Contact School Admissions at Cumbria County Council](#))
- Exclusions
- Assessment of children with special educational needs*
- School reorganisation proposals
- Matters likely to require a Child Protection Investigation
- National Curriculum content

Similarly, it should not be used for dealing with complaints that make allegations against staff of child abuse ([safeguarding](#)), or relate to staff discipline or capability, where other statutory procedures apply. If a concern is brought to the attention of the school that relates to any of these matters, the school will refer to the local authority or its HR provider to ensure that the relevant statutory or local authority procedure is used.

The governing body is not responsible for handling complaints about third party providers offering community facilities or services through our premises or using school facilities for external events. The governing body will however take reasonable steps to ensure that such providers have their own complaints procedures.

"In the first instance complaints regarding assessment of children should be made to the SEND team at Cumbria County Council and then the First-tier Tribunal (Special Educational Needs and Disability) which is an independent national tribunal which hears parents' and young people's appeals against LA decisions about the special educational needs of children and young people."

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 defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'

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 the complaints procedure. St James' CE Junior School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

Who can raise a concern or make a complaint?

Anyone who has dealings with the school can use this procedure, whether a pupil, a parent or carer, a visitor, a neighbour, or a provider of a service to the school. If you wish to raise a concern or complain on someone else's behalf, the school will usually only deal with this if the person on whose behalf you are complaining is unable to do so for themselves. If this is the case, we may be able to assist you to obtain support from a local advocacy service, such as [People First](#).

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

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

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. Concerns should be raised with either the class teacher or headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at a later stage.

Complaints against school staff (except the Headteacher) should be made in the first instance, to Mr A Beattie (the Headteacher) via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Headteacher should be addressed to The Chair of Governors, via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to Mrs H Maiden (the Clerk to the Governing Body) via the school office. Please mark them as Private and Confidential.

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 raising a formal complaint or holding meetings in accessible locations.

How will my concern or complaint be handled?

Our procedure has three stages:

1. Responding to concerns
2. Investigating & resolving complaints
3. Appeal to the governing body

At any point in the handling of your complaint, there is also the possibility of a 'resolution' meeting. The school will try to deal with your complaint as quickly as possible. If you have concerns about the time being taken, you should raise this with the Clerk to the Governing Body.

We expect concerns and complaints to be brought to the attention of the school as quickly as possible. Complaints notified to the school after three months from the date of any incident will usually be ruled 'out of time', unless there are exceptional circumstances. The school may escalate a concern to a complaint in order to speed up the resolution of the issue.

If you report any of the concerns in the list below, we will need to refer to the local authority or other adviser to ensure that the relevant statutory or local authority procedure is used.

- the admission of your child
- the exclusion of your child
- local authority processes for assessing children with special educational needs
- allegations against staff of child abuse or other disciplinary matters

1. Responding to concerns

If your concern is about something that a person has or has not done, for example a member of staff, the Headteacher, a governor, or a volunteer, you should make an arrangement through the school office to discuss the concern with that person or their manager. If your concern is about an aspect of school practice or policy, you should contact the Headteacher. We want to respond to your concern as quickly as possible, but it may not be possible to arrange an immediate meeting: an appointment within a few days may be necessary. Please do not approach staff while they are 'on duty'.

We can reassure you that most concerns are usually resolved at this stage. We will give you a verbal response, usually within 2 school days, and when appropriate, confirm this in writing within 3 school days.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher, will refer you to another staff member or hear the concern themselves. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. 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, St James' CE Junior will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

2. Investigating & Resolving complaints

If you remain dissatisfied by our response to your concern, then you should make a formal complaint in writing to the Headteacher, even if you have already met and discussed the concern. If you need help to set out your complaint in writing, the school will arrange for this for you. All letters should be sent to the school address, marked 'Confidential: for immediate attention'.

The Headteacher will arrange for the complaint to be investigated. If your complaint is about the Headteacher, you should contact the Chair of Governors who will arrange for it to be investigated by a committee of members from the governing body. If your complaint is about the Chair of Governors, you should contact the Clerk to the Governing Body, who will make the arrangement. In all cases,

- state that you are making a complaint
- give specific details
- say what you want the school to do to put things right

The Headteacher, staff member or governor nominated to investigate and respond to your complaint will,

- Contact you and arrange to meet or discuss the complaint and confirm with you, what will be investigated;
- Review any documents and meet with relevant staff and/or witnesses (please note governors will not usually interview children);
- Seek and consider independent advice, such as from the local authority;
- Write a response letter with a decision and explain how to make any appeal.

Resolving complaints

At each stage in the procedure, St James' CE Junior School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

Withdrawal of a Complaint

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

Please be aware that if your complaint alleges misconduct by a member of staff, and your complaint is upheld, the school's response is confidential to the employer and employee. You will not normally be given any details of the outcome and the right of appeal does not apply.

This process should take no longer than 20 school days (from the date the school acknowledges receipt of the complaint. If there is likely to be a delay, the investigator should contact you again to explain why and indicate a new timescale.

3. Appeal to the governing body

If you remain dissatisfied with the outcome of the investigation, you may appeal to the Governing Body. The Chair of Governors (or the Clerk) will arrange for a panel of governors to consider your appeal. The letter giving the school's decision following the investigation will tell you how to make an appeal. This is usually by writing to the Clerk within 20 school days of the date of the response letter. The Governing Body will arrange for a panel of **up to three governor's review your complaint**. After this **review**, the panel will notify you of their decision. This will include informing you that the school's procedure has been exhausted and that the matter is now closed. There is no further right of appeal to the school against the decision **if your complaint is not upheld**.

The appeal process should take no longer than 20 school days. If there is likely to be a delay, the Chair of the appeal panel should contact you again to explain why and indicate a new timescale.

Resolution meeting

You may at any time contact the school and ask for a Resolution meeting (and the school may offer a Resolution meeting at any time) which means that the formal investigation and appeal procedure can be suspended and a meeting held to resolve matters informally, usually within 5 school days of the request or offer being made. Should the Resolution meeting fail to resolve the complaint, the investigation or appeal will be resumed.

The Secretary of State/Department for Education

You have a separate right to complain to the Secretary of State if you believe that the governing body has acted unreasonably or is failing to carry out its statutory duties properly.

<https://www.gov.uk/government/organisations/department-for-education>

Ofsted

If your complaint is about a whole school issue, you have a separate right to complain to the Office for Standards in Education (Ofsted). Contact details can be found at www.ofsted.gov.uk. Note, however, that Ofsted do not usually consider complaints relating to individual children but they may use the information to bring forward an inspection.

POLICY FOR UNREASONABLE COMPLAINANTS

St James CE Junior 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 the 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.

St James CE Junior School defines unreasonable complainants as "those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints".

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 commented 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 complaints 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 either face-to-face, by telephone or 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 numbers 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.

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 asking them to change it. For complainants who excessively contact St James CE 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 of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from St James CE Junior School.

Further Information

For any complaint about the following, contact the local authority on 0800 121 8800 for advice and information

- an appeal against a decision relating to the admission or exclusion of your child
- an appeal against a local authority decision about your child's special educational needs
- an allegation of child abuse or other criminal offence

The governing body is not responsible for handling complaints about third party providers offering community facilities or services through our premises or using school facilities for external events. The governing body will however take reasonable steps to ensure that such providers have their own complaints procedures.

