



# **Complaints Policy**

Rudyard Kipling Primary School

**February 2018**

# Brighton & Hove Model School Complaints Policy adopted by:



**Rudyard Kipling Primary School**

**Date this policy was approved by the Governing Body: February 2018**

**Date to be next reviewed by the Governing Body: February 2021**

Please refer to the Parents' and Carers' Brief Guide which accompanies this model policy.

## **Policy Statement**

It is in everyone's best interests in our school and community to communicate well with one another and to ensure that any concerns and complaints are dealt with as quickly and appropriately as possible. In addition, concerns and complaints brought to the attention of the school can be an opportunity to inform, review and help improve school procedures.

This policy has been developed after consulting:

- Complaints Policy Working Group, consisting of headteachers and local authority representatives
- Headteachers' Steering Group
- Schools, Skills and Learning Consultative Group
- Governors' Network and Diocesan representatives
- Department for Education (DfE) School Complaints Guidance
- Best practice from other local authorities

## **Aims and principles of the policy**

This policy aims to:

- Encourage the resolution of concerns and complaints by informal means wherever possible
- Ensure that concerns are dealt with quickly, fully and fairly and within defined time limits where possible
- Provide effective and appropriate responses to concerns and complaints
- Maintain good working relationships between the school and all those involved

All staff, governors, parents and carers at the school should be made aware of this complaints policy and any other policies that may be inter-related (eg Behaviour, Health & Safety etc).

Key principles of the policy are:

- The legal context of the Complaints Policy
- Accessibility – useable format, free from jargon, assuming no specialist knowledge
- Good communication – clarification of the process involved in dealing with complaints
- Clear and adhered to recommended timescales (where appropriate)
- Clarity over roles and responsibilities of those involved in the process
- Appropriate confidentiality which must be maintained by all involved in the process (including any school staff, administrative staff and governors)

### **Legal context**

From September 2003, Section 29 of the Education Act 2002 has required governing bodies of all maintained schools and nursery schools in England to have procedures in place to deal with complaints. The governing body must establish and publish procedures for dealing with complaints relating to the school, other than those covered by legislation and formal procedures elsewhere (a list of these can be found on page 5).

### **Summary**

1. This policy sets out the procedures which Rudyard Kipling Primary School and Nursery will follow whenever it receives a complaint for which there are not alternative statutory procedures.
2. In all cases where the complaint directly concerns the school's headteacher, the chair of governors (or nominated governor) in the first instance will investigate the complaint
3. Informally, in conjunction with advice from the Governor Support Team (if this service has been purchased). The appropriate Head of School Advisory Service will also be alerted.
4. If and when complaints about any school are brought to the attention of Brighton & Hove City Council (the local authority), the complainants will be advised to contact the school and to follow the procedures set out within the school's complaints policy.
5. This policy may be used by anyone who has a concern or complaint about any aspect of the school. In the main this will mean parents and carers of the school's pupils, but may include neighbours of the school or other members of the local community.
6. The governing body may need to consider setting up collaboration arrangements with another governing body in the eventuality of not having enough impartial governors to hear the appeal.

Brighton & Hove School Complaints Policy March 2015

Adopted by Rudyard Kipling Primary School and Nursery March 2015

Reviewed February 2018

## Monitoring and recording complaints

At all stages of the complaints procedure the following information should be recorded:

- Name of the complainant
- Date and time at which complaint was made
- Details of the nature of the complaint
- Desired outcome of the complainant
- How the complaint is being investigated (including written records of any interviews held)
- Results and conclusions of investigations
- Any action taken
- The complainant's response
- Record of any subsequent action if required

The governing body should appropriately monitor the general nature of complaints over each academic year to inform practice and potential improvements to procedures and policies within the school.

## Upholding or not upholding complaints

At each stage of the complaints procedure the conclusion will be either:

- That the complaint is upheld (in part or full) and where appropriate some form of action is taken **OR**
- That the complaint is not upheld and reason(s) for this, where appropriate, are clearly given

In the first instance of receiving a complaint it may be appropriate to resolve the issue by offering to the complainant one or more of the following:

- An emphatic response
- An explanation of events
- A recognition that the situation could have been handled differently or better
- An explanation of the steps that have been taken to endeavour that it will not happen again. However, this must not include any information or detailed action taken involving a member of staff
- An undertaking to review school policies in light of the findings of the complaint

The complainant may choose to take no further action or take their complaint to the next stage.

## Unreasonable complaints

Where a complainant raises an issue that has already been dealt with via the school's complaints procedure, and that procedure has been exhausted, the school will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the Headteacher will write to them explaining that the matter has been dealt with fully in line with the school complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Department for Education (see the end of this document) if they wish to take the matter further.

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 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 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 Rudyard Kipling Primary 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 6 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 Rudyard Kipling Primary School.

## **The Stages of the Complaints Process**

### **Stage 1 (also known as the Informal Stage)**

The complainant raises and discusses their concerns/issues with child/young person's class teacher or form tutor. Most concerns can be resolved satisfactorily at this stage. However, the staff member may feel it more appropriate to refer the complainant to a more senior or experienced member of staff who will try to resolve the concern informally.

### **Stage 2**

If the complainant remains unhappy, they should then contact the headteacher either by arranging an appointment to see them or putting their concerns in writing. The headteacher (or their nominated representative) will then investigate the concerns and respond within agreed timescales. An acknowledgement will be made of the concern/complaint within five school working days. The headteacher will respond to the issues raised within 15 school working days of receiving the complaint. If it is not possible to meet these timescales, then the headteacher will contact the complainant to discuss reviewing these.

If the concern or complaint is against the headteacher, in the first instance the complainant will need to write in confidence to the chair of governors at the school. The chair of governors will seek to resolve the issue informally before, if necessary, moving to Stage 3.

### **Stage 3 (also known as the Formal Stage)**

If the headteacher is unable to resolve the concern to the satisfaction of the complainant, the complainant may write to the chair of governors at the school. The chair of governors will acknowledge the complaint within five school working days and arrange a panel of governors to be formed to hear the complaint (within agreed timescales). These governors will have no previous involvement or knowledge of the case. The chair/clerk of the complaints panel will contact the complainant with the arrangements. Both parties may bring their representative with them.

Once the panel has been held the complainant and school will be informed of their decision within five school working days. If it is not possible to meet these timescales then the chair of the panel will contact both parties to discuss a mutually convenient date. For further details about how the panel should operate see Appendix 1.

### **Stage 4**

If the complainant remains unsatisfied by the outcome of the governors' panel, they may contact the local authority, who will investigate if the school's complaints process has been carried out appropriately. However, the local authority cannot overturn a panel's decision.

The local authority contact is:

Assistant Director, Families, Children & Learning (Education & Skills)  
Hove Town Hall  
Norton Road  
Hove BN3 3BQ  
Telephone: 01273 293514

The local authority will acknowledge receipt of the complaint within five school working days. They will inform the complainant and the school of the outcome of their investigation of the process within 15 school working days of receiving the complaint. If it is not possible to meet the timescales then the local authority officer will contact the complainant and school to discuss reviewing these.

## **Stage 5**

If the complainant is unsatisfied at the end of Stage 4 they can contact the Secretary of State:

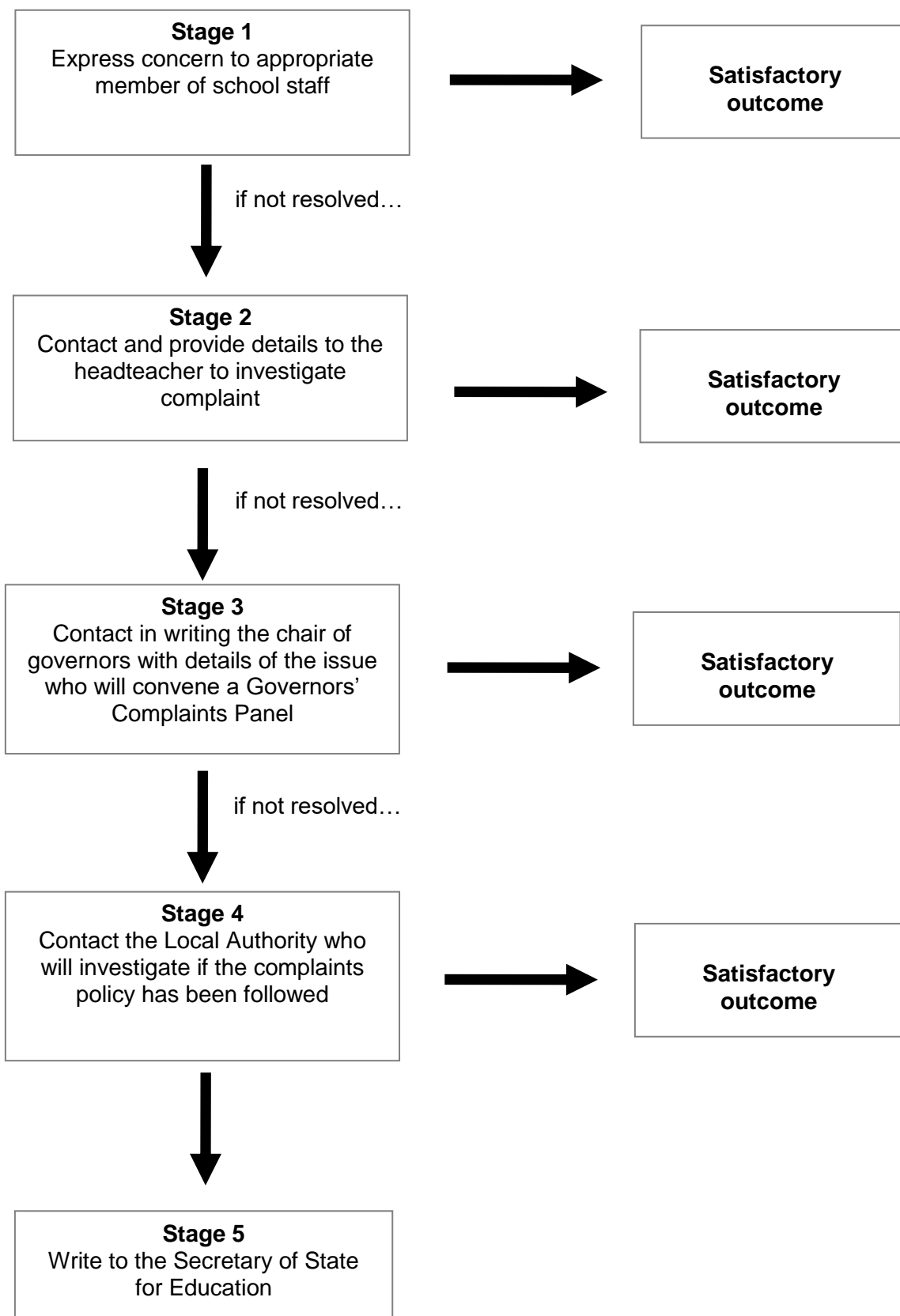
Secretary of State for Education  
Department for Education  
Sanctuary Buildings  
Great Smith Street  
London  
SW1P 3BT  
Telephone: 0870 000 2288

## **What is not covered by this Complaints Policy**

- Complaints about the national curriculum entitlement and collective worship – these should be directed to the governing body and then to the local authority
- Pupil admissions – contact the Admissions Team at the local authority [schoolsadmissions@brighton-hove.gov.uk](mailto:schoolsadmissions@brighton-hove.gov.uk)
- Pupil exclusions – appeals to be heard by a Governors' Exclusions Panel
- SEN Statement Appeals – contact the SEN Team on 01273 293552
- Issues relating to child protection – in the first instance contact the Local Authority Designated Officer for Child Protection: Darrel Clews 01273 295643
- Employee grievances/disciplinary/dismissal – refer to the Schools' Personnel Handbook for the process. Where the complaint results in a staff grievance or disciplinary it is important that the school follows the appropriate procedures and that the complainant should not be given any details of the action involving an individual member of staff.
- Criminal investigations – refer to the police
- Ofsted have some powers to investigate concerns, but they do suggest the complainant discusses their worries directly with the school in the first instance. For more information go to <http://www.ofsted.gov.uk/schools/for-parents-and-carers/how-complain> or tel 0300 123 4666.



## Model Complaints Procedure



## **Appendix 1**

### **How the Governors' Complaints Panel will run**

Although the panel will follow formal procedures, the hearing should be conducted as informally as possible. Extra care will need to be taken if the hearing involves a child or young person being present.

1. Both the complainant and the school are invited to attend the panel and arrive at the same time.
2. The chair of the panel will introduce everyone and set out that the remit of the panel is to investigate the complaint. They will do this by allowing each party the opportunity to put their case without undue interruption.
3. Any witnesses or representatives are only required to attend to give their supporting information and may leave once they have done so.
4. The complainant is given the opportunity to state their case. The panel and the headteacher have the opportunity to ask any questions.
5. The headteacher is given the opportunity to state the school's case. The panel and the complainant have the opportunity to ask any questions.
6. The complainant is invited to sum up their complaint.
7. The headteacher is invited to sum up the school's actions and response to the complaint.
8. The chair lets both parties know how they will be notified of the panel's findings, within agreed timescales. The chair draws the meeting to a close.
9. Both parties leave at the same time and the panel withdraws to make their findings.

## Appendix 2

### The Governors' Complaints Panel: Roles and Responsibilities of those involved in the process

#### The Clerk to the Panel

The panel must be clerked. The clerk organises the complaints panel and must:

1. Send acknowledgement on behalf of the Chair of the Governors' Panel of the written complaint within **five school working days**, outlining the next steps
2. Arrange membership of the panel, in discussion with the chair of governors, which should be three governors who have no prior knowledge of the complaint
3. Set the date, time and venue of the panel, ensuring the dates are convenient to all parties and that the venue and proceedings are accessible. The hearing should be set within **15 school working days after receiving the complaint**. If the timescales cannot be adhered to the chair of the panel should discuss with the school and the complainant the next most appropriate date
4. Write to all parties, detailing the following:
  - Date, time and venue of hearing
  - Aims and objectives of the hearing and how it will be conducted
  - A request for any documentation that either party wishes the panel to consider. This must be with the clerk so that it can be sent to all parties **at least five school working days** before the hearing
  - The rights of equal access, accompaniment and representation for both the complainant and the school, ensuring that everyone is notified as to who will be attending the panel, in advance of the hearing
  - How and when the panel will reach their decision
5. At the hearing, meet and welcome the parties as they arrive ensuring there is appropriate separate waiting space
6. Ensure that both parties arrive at the panel at the same time
7. Record the proceedings and send the typed version to the chair of the panel for checking
8. Notify all parties of the panel's decision within **five school working days**
9. Keep pink paper minutes at the school with the governing body files

## **The Chair of Governors**

- If the formal stage is required the chair of governors will notify the clerk to the panel to arrange the Governors' Appeal Panel
- If the complaint is about the headteacher the chair of governors will investigate informally the issue, taking advice from the Governor Support Team where appropriate, and will inform the Head of Advisory Service that a complaint has been made
- The chair of governors will need to ensure that general nature of complaints over the academic year are appropriately monitored by the governing body to inform practice and potential improvements to procedures and policies within the school

## **The Chair of the Panel**

The chair of the panel has a key role and will need to ensure that:

- The hearing is as informal as possible
- After introductions the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- The complainant is given the opportunity to state their case – the panel and school then have the opportunity to ask questions and clarify points
- The school is given the opportunity to state their case – the panel and complainant then have the opportunity to ask questions and clarify points
- Any witnesses or representatives are only required to attend to give supporting information
- Both parties have the opportunity to sum up
- The meeting is drawn to a close and both parties leave the panel **at the same time**
- The issues are discussed fully, fairly and are addressed
- The key findings of the facts are made

The chair should also aim that:

- The complainant and headteacher feel at ease

- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- The panel is open minded and acting independently
- No member of the panel has a vested interest in the outcomes of the proceedings or any involvement in an earlier stage of the procedure
- Written material is seen by all parties. If a new issue arises the chair can give all parties the opportunity to consider and comment on it

### **Notification of the Panel's Decision**

The chair of the panel must ensure that the complainant and the school are notified of the panel's decision. This is usually within a set deadline that is published in the Complaints Policy or mutually agreed.

The panel will either:

- Uphold the complaint
- Reject the complaint
- Uphold the complaint in part

The letter must explain any further rights of appeal and if so, who to contact.

The complainant may move to Stage 4 and write to the local authority by writing to the **Assistant Director Children's Services (Education & Inclusion)**. However, the local authority will not reinvestigate the decision of the panel but will check that the complaints process has been carried out appropriately. If the complainant is not satisfied with the local authority's response they may write to the Secretary of State for Education (Stage 5).