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## Complaints Policy

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Approved by: Mr Joe  
Wilson

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## 1.0 INTRODUCTION

Governing Bodies are required by law to have a procedure in place to deal with complaints relating to aspects of the school or the provision of facilities or certain services at the school.

Academies and free schools are required to have complaints procedures meeting certain requirements by the Education (Independent School Standards) (England) Regulations 2014 and to make the procedure available to parents of pupils and parents of prospective pupils.

A complaint can be brought by a parent of a registered child at the school or any person who has been provided with a service or a facility at the school. The complaint procedure would also apply to all other people (those who are not directly connected to the school), with the exception that they would not be entitled to request a complaint is referred to the Complaints Appeal Panel.

This document refers to the person raising the complaint as the complainant. The complainant must feel able to raise concerns and complaints with members of staff without formality, either in person, by telephone or in writing.

At first it may be unclear whether a complainant is asking a question or expressing an opinion rather than making an education complaint. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

A concern or unresolved problem becomes a complaint only when the complainant asserts that a school has acted wrongly in some significant decision, action or failure to take action.

Even when a complaint has been made it can be resolved or withdrawn at any stage.

Schools may have a nominated member of staff with responsibility for the operation and management of the school complaints procedure. At James Cambell Primary School this nominated members of staff is the Headteacher.

## 2.0 SPECIAL CIRCUMSTANCES

Any complaint or other notice that suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual abuse or neglect should be referred without delay through the school's safeguarding processes. If Barking and Dagenham social services decide to investigate a situation this may postpone or supersede investigation of the complaint by the school.

Where a matter is capable of resolution through a legal appeal it will not be considered as a formal complaint and the complainant should be directed to the appropriate appeal procedure. The key areas are: admissions decisions; certain decisions relating to formal assessment of special educational needs; and decisions to exclude a child.

### 3.0 DEALING WITH CONCERNS INFORMALLY

The vast majority of complaints and concerns can be resolved informally.

The complainant will be encouraged to discuss their concern with the appropriate member of staff. On major issues, the Headteacher may be the appropriate member of staff at this stage, but more usually it may be a class teacher, year leader, Assistant Headteacher or Deputy Headteacher.

The complainant may bring a friend to any discussion.

The member of staff dealing with the concern should make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed.

This stage should be completed speedily and concluded in writing with a letter to the complainant copied to the Headteacher, with appropriate detail. This letter must be sent to the complainant within 15 school days from the date of receipt of the complaint. However, it is recognised that where the case is complex, it may prove difficult to meet this timetable. In such cases, the school will write to the complainant giving a revised target date.

Where no satisfactory solution has been found, the complainant should be informed that s/he will need to consider whether to make a formal complaint in writing to the Headteacher. Formal complaints may be made in any written format.

#### FORMAL STAGE 1 – REFERRAL TO HEADTEACHER FOR INVESTIGATION

The Headteacher must acknowledge receipt of the complaint in writing. In some cases the Headteacher will have already been involved in looking at the matter; in others it will be his/her first involvement. In either event, the Headteacher should appoint a senior member of staff to investigate the complaint (the Investigating Officer) who has no prior involvement in the complaint.

The Investigating Officer should consider providing an opportunity to meet with the complainant to supplement any information previously provided.

If the complaint is against a member of staff, the Investigating Officer should talk to and if necessary take a written statement from the staff member against whom the complaint has been made. If necessary, the Investigating Officer should interview witnesses and take statements from those involved.

The Investigating Officer must keep reasonable written records of meetings, telephone conversations and other documentation.

Once all the relevant facts have been established, the Investigating Officer will produce a written response to the Headteacher. On the basis of this report, the Headteacher will decide the outcome, including any actions and next steps required, and respond in writing to the complainant. The Headteacher may wish to meet the complainant to discuss/resolve the matter before confirming the outcome in writing.

The written response must include a full explanation of the decision and the reasons for it. Where appropriate, it should include what action the school will take to resolve the complaint.

Formal Stage 1 must be completed in 15 school days from the date of receipt of the written complaint. However, it is recognised that where the case is complex, it may prove difficult to meet this timetable. In such cases, the Headteacher will write to the complainant giving a revised target date.

James Cambell Primary School will not pay financial compensation as a response to complaints, though may spend money on a relevant educational purpose.

The Formal Stage 1 response must also advise the complainant that if s/he is not satisfied with the response and wishes to take the matter further, s/he should write to the Chair of the Local Governing Board within 15 school days of receiving the outcome letter. The outcome letter will set out the name of the Chair of the Governing Board and the address to which the complainant can send the letter.

## 5.0 COMPLAINTS AGAINST THE HEADTEACHER

If the complaint is wholly or mainly about the Headteacher, the Local Governing Board must consider the complaint in accordance with Formal Stage 2 of the procedure described below. The school must forward the complaint without delay to the Chair of the Local Governing Board.

However, before Stage 2 is instigated the Chair of the Local Governing Board will invite the Headteacher to respond to the complaint in writing within ten school days. The Chair will send a copy of the Headteacher's response to the complainant who will be asked to indicate within five school days of receipt of the response whether s/he is satisfied with the response. If the complainant is not satisfied with the response Formal Stage 2 should commence as described below.

### FORMAL STAGE 2 – CONSIDERATION BY THE LOCAL GOVERNING BOARD

#### Formal Resolution by Chair of Local Governing Board

If the complainant decides to take the matter further and the Chair of the Governing Board receives a formal complaint following an unsuccessful attempt to resolve the matter at Formal Stage 1, the Chair of the Local Governing Board will write to the complainant to acknowledge the complaint within five school days of receipt of the complaint and let the complainant know how it will be investigated (see 6.2 below).

A copy of the acknowledgement and the complaints form will be sent to the Headteacher and the Clerk to the Local Governing Board.

If the complaint has been investigated at Stage 1, the result of the investigation must be made available to the Clerk/Chair by the Headteacher. However, where the complaint is against the Headteacher and the complaint is referred to Stage 2, the Chair of the Local Governing Board must decide how the complaint should be investigated.

Depending on the nature of the complaint, the Chair of the Local Governing Board will either respond directly to the complainant within 15 school days of the acknowledgement letter or escalate the complaint directly to the Local Governing Board's Complaints Appeal Panel (CAP). Where a

direct response is provided by the Chair of the Local Governing Board and the complainant remains dissatisfied, the complainant may then request that the complaint is escalated to a CAP within 15 days of receiving the outcome letter (unless they have no direct connection to the school – see the Introduction above).

### Formal Resolution by Complaints Appeal Panel

James Cambell Primary School Local Governing Board's CAP consists of two governors with no prior, direct involvement with the complaint and a third member who is independent of the management and running of the school. In deciding the makeup of the CAP, where possible the Local Governing Board will try to ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

The Headteacher may not serve on the CAP. If the Chair of the Local Governing Board has had any prior involvement in the complaint then the Chair must not sit on the CAP.

The CAP will consider the complaint on the basis of the written evidence and set up a hearing to hear both parties. The CAP will reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.

The Chair of the CAP should take a decision at the beginning of Stage 2 on whether to seek the services of a Clerk to:

- Deal with the administration of the procedure;
- Provide independent advice on procedure and evidence;
- Ensure that the relevant facts are established; Minute the meeting;
- Draft the decision letter.

The Clerk/Chair of the CAP will write to the complainant to explain how the review will be conducted. The letter will be copied to the Headteacher.

The Clerk/Chair of the CAP will confirm the date of the meeting with the other governor(s).

The complainant and Headteacher will be invited to attend the meeting. The date and time of the meeting should be convenient to the complainant and Headteacher, within reason. The notification will inform the complainant of his/her right to be accompanied to the meeting by a friend/representative. It will also explain how the meeting will be conducted and of the complainant's right to submit further written evidence to the committee.

The Headteacher will also be invited to prepare a written report for the CAP in response to the complaint.

All relevant correspondence regarding the complaint will be circulated to the CAP, the complainant and the Headteacher in advance of the meeting.

If the Headteacher and/or the complainant wish to call witnesses, the agreement of the Chair of the CAP will be obtained in advance of the meeting.

It is the responsibility of the Chair of the CAP to ensure that the meeting is properly conducted. However, the proceedings will be as informal as possible.

The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant. However, at the end of the meeting the CAP will need to issue a finding in writing either upholding or not upholding the complaint or upholding some parts and not others.

If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to respond to new evidence. Late evidence of witnesses will not be accepted unless there is a good reason for the lateness.

The meeting will allow for:

The complainant to explain his or her complaint and the Headteacher to explain the reasons for his or her decision;

The Headteacher to question the complainant about the complaint and the complainant to question the Headteacher;

The CAP to have an opportunity to question both the complainant and the Headteacher;

Any party to have the right to bring witnesses (subject to the approval of the Chair of CAP) and all parties having the right to question all the witnesses; A final statement by the Headteacher and complainant.

The Chair of the CAP will explain to the complainant and the Headteacher that the CAP will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, Headteacher and any witnesses will then leave.

The CAP will consider the complaint and all the evidence presented and reach a unanimous, or at least a majority, decision on the complaint. Where appropriate the CAP can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure that problems of a similar nature do not happen again.

As in Section 4.9 above, the CAP will not pay financial compensation as a response to a complaint, though may spend money on an appropriate educational purpose.

The Clerk/Chair of CAP will send a written statement outlining the decision with reasons, incorporating the findings of the panel and any recommendations, to both the complainant and the Headteacher. A copy of the written statement will be made available for inspection on the school premises by the proprietor and the Headteacher.

Stage 2 will be completed in 15 school days. However, it is recognised that this timetable is likely to prove impossible for complaints which are complex. In such cases the Chair of the CAP will write to the complainant and Headteacher giving a revised target date.

## 7.0 ROLE OF THE DEPARTMENT FOR EDUCATION

Complainants can complain to the Department of Education (DfE) if they have followed all the steps in the school's complaint procedure set out above and remain dissatisfied.

Further information on this is provided at <https://www.gov.uk/complain-about-school/stateschools>

## 8.0 MANAGING SERIAL AND UNREASONABLE COMPLAINTS

James Cambell Primary 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.

James Cambell Primary 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 James Cambell Primary 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 James Cambell Primary.

## 9.0 CONFIDENTIALITY

All correspondence, statements and records of complaints will be kept confidential and in accordance with General Data Protection Regulations.