



## **Fairfield Primary Policy for Dealing with Concerns and Complaints**

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### **STATEMENT OF INTENT**

The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, the school must be clear about the procedures they will apply when they receive a complaint.

The Governing Body of Fairfield Primary School have adopted the following policy to deal with formal complaints from members of the school community or general public. Staff are dedicated to giving all children the best possible education and caring properly for their health, safety and welfare at all times. We are committed to working closely with parents and believe that the school and parents must work together in partnership, each carrying out their own particular responsibilities to help pupils gain the most from their time in school. However, the school is obliged to have procedures in place for dealing with all complaints whether these are from parents, legal guardians or members of the public. This policy is a good practice guide and sets out the procedures that will apply to most general complaints received by schools. It is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal.

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'*.

Exceptions	Who to contact
Admissions to schools Statutory assessments of Special Educational Needs	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Stockton Borough Council
Statutory assessments of Special Educational Needs	Educational Needs, or school re-organisation proposals should be raised with Stockton Borough Council
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> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p>
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-/exclusions">www.gov.uk/school-discipline-/exclusions</a>
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: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
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.</p> <p>However, the complainant will be notified that the matter is being addressed.</p>

Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
National Curriculum - content	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

### PURPOSE OF THE POLICY

This policy aims to reassure that any concern or complaint raised will be dealt with in a fair, open and responsive way with the aim of achieving a speedy and satisfactory resolution. The school recognises a willingness to listen to questions and criticisms and to respond positively and in a way in which improvements can be made to school practices.

At each stage of the Complaints Procedure, Fairfield Primary wants to resolve the complaint or concern. 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.

### COMPLAINTS NOT IN THE SCOPE OF THE PROCEDURE

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the exceptions listed below, for which there are separate (statutory) procedures.

### INITIAL CONCERNS AND COMPLAINTS

It is in everyone's interest that complaints are resolved at the earliest possible stage and we expect that the majority of concerns will be resolved in this way. The complainant should initially raise any concern directly with the member of staff most directly involved and if not satisfied discuss concerns with a senior member of staff. If the issue remains unresolved, the next step is to make a formal complaint.

If the complaint is against the Headteacher then the first point of contact would be the Chair of Governors. Complaints against the Chair of Governors or any individual governor should be made by writing to the Clerk of the Governing Body.

A template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations 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 raising a formal complaint or holding meetings in accessible locations.

Depending on the seriousness of the issue, parents and carers should contact class teachers, then team leaders before referring matters to leadership members.

## SECOND CONTACT: REFERRAL TO HEADTEACHER – FORMAL COMPLAINT

If the complainant is not satisfied with the response from the senior member of staff (team leader) they should:

Raise any concerns directly with the Headteacher, preferably in writing, using the attached formal complaints form (Appendix 1).

The Headteacher will investigate the complaint via discussions with those involved.

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

Once all of the relevant facts have been established, the Headteacher will produce a written response and/or may wish to speak to the complainant to resolve the matter directly.

The response will document the decision reached and the reasons for it. Where appropriate, it will also include what action the school will take/has taken to resolve the complaint. (It is best practice for the Headteacher to include in the letter the right for the complainant to write to the Chair of Governors if not satisfied with the decision). (NB in some cases it may be useful to use a recorded delivery service to ensure that written communication can be evidenced.

As far as is reasonable this will take place within 10 school working days of the initial complaint being received by the Headteacher.

If other bodies are investigating aspects of the complaint, for example the Police, Local Authority (LA) 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 Fairfield Primary 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.

## THIRD CONTACT: REFERRAL TO CHAIR OF GOVERNORS

If the complainant is not satisfied with the Headteacher's response then they have the option to put their complaint in writing within 10 school working days of the Headteacher's response, addressing their correspondence to the Chair of Governors or Clerk to the Governing Body c/o the school in a sealed envelope marked 'For Immediate Action' 'Private and Confidential'.

It is helpful at this point if the complainant can indicate in writing how they would like the matter to be resolved and what outcome they would like to see achieved. The Chair of Governors will acknowledge the complaint in writing within five school days of receipt.

The Chair of Governors will conduct their own investigation into the complaint and may provide an opportunity for the complainant to meet informally with them to discuss the detail, clarify the nature of the complaint and what remains unresolved and finally what they feel would put things right.

The Chair of Governors will make a decision, on the basis of the information gathered, and possible outcomes may include:

dismiss the complaint in whole or in part;

uphold the complaint in whole or in part;

decide on the appropriate action to be taken to resolve the complaint;

recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

All decisions will be recorded in writing within 10 school working days of the Chair of Governors completing their investigation, as far as is reasonably practical, and a copy provided to the complainant. The letter/report to the complainant will offer the right of appeal to the Governing Body Complaints Committee.

If the complaint relates to the Headteacher, the complainant should write directly to the Chair of Governors, c/o the school, with their complaint.

#### FOURTH CONTACT: REFERRAL TO THE COMPLAINTS COMMITTEE

If the complainant wishes to appeal they must do so in writing to the Chair of Governors, c/o the school, within 10 school working days providing a clear explanation as to why they wish to lodge an appeal.

Individual complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The complainant will be offered the opportunity to attend a meeting where they will be able to discuss their complaint with the committee (minimum of three governors, not previously involved) and explain why they are not satisfied with the Chair of Governor's decision. Should the complainant or school intend to call witnesses to the Committee meeting, their name/s should be notified to the Clerk to the Governing Body prior to the meeting in order that appropriate meeting room requirements can be sourced. It is the responsibility of the complainant and school to ensure that witnesses are invited to the meeting. (A checklist for a Complaints Committee meeting is attached as Appendix 2)

The complaints committee will consider the issue and write to inform the complainant within 10 school working days of their decision. Possible outcomes may include:

dismiss the complaint in whole or in part;

uphold the complaint in whole or in part;

decide on the appropriate action to be taken to resolve the complaint;

recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

This is the last school-based stage of the complaints process – 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 the Complaints Process.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decision made by Fairfield Primary School. They will consider whether Fairfield Primary 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](http://www.education.gov.uk/contactus), by telephone on: 03700 000228 or by writing to:

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

#### 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.

#### 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.

#### SERIAL AND PERSISTENT COMPLAINTS

Fairfield Primary 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 act to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Fairfield Primary 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 Fairfield Primary School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan.

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 Fairfield Primary School Grounds.

#### MONITORING

As well as addressing an individual's complaint, the process of listening to and resolving complaints would contribute to school improvements. When individual complaints are heard, schools may identify issues that need to be addressed. The Governing Body should review this policy within their policy review cycle.





When did you do this?

Date

What action, if any, have you already taken to try and resolve your complaint? Who did you speak to and what was the response?

What action, if any, have you already taken to try and resolve your complaint? Who did you speak to and what was the response?

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Name	
Signed	
Date	

**Please return this form to the Headteacher**

## **Appendix 2**

### Proposed Format for a Complaints Meeting

The hearing is as informal as possible.

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Witnesses are only required to attend for the part of the hearing in which they give their evidence.

The Complainant and Headteacher will enter the room where the hearing is taking place together.

A Chair for the Committee meeting will be appointed whom will introduce the panel members and the Clerk as well as outline the process for the meeting.

The complainant is invited to explain their complaint, and be followed by their witnesses.

The Headteacher may question both the complainant and the witnesses after each has spoken.

The panel will question the complainant.

The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.

The complainant may question both the Headteacher and the witnesses after each has spoken.

The panel will question the Headteacher.

The complainant is invited to sum up their complaint.

The Headteacher is invited to sum up the school's actions and response to the complaint.

Both parties leave together while the Committee decides on the issues.

The Chair of the Committee explains that both parties will hear from the Committee within a set time scale.

The Clerk will remain with the panel to clarify any issues.