

## **Kempshott Junior School Complaints Policy & Procedure**

Policy Ratified by Governing Body	5 June 2018	Review 3 Yearly
Date of Review	5 June 2018	
Date of Next Review	5 June 2021	

### ***Safeguarding Statement***

*At Kempshott Junior School we respect and value all children and are committed to providing a caring, friendly and safe environment for all our pupils so they can learn, in a relaxed and secure atmosphere. We believe every pupil should be able to participate in all school activities in an enjoyable and safe environment and be protected from harm. This is the responsibility of every adult employed by, or invited to deliver services at Kempshott Junior School. We recognise our responsibility to safeguard all who access school and promote the welfare of all our pupils by protecting them from physical, sexual and emotional abuse, neglect and bullying.*

This policy states the process and procedure of how Kempshott Junior School will deal with complaints. Kempshott Junior School want parents to feel able to express their views and or concerns with the full knowledge and confidence that they will be dealt with fairly.

### **Scope**

This policy will apply to all parents/guardians, carers, community facility users, neighbours, students and visitors to the school.

As well as general concerns/complaints, the process outlined below can also be used to raise specific concerns about:

- National curriculum and matters relating to it.
- Provision of collective worship and religious education.
- School personnel.
- School policy.

The policy is not however intended to cover those areas of school life where there are specific complaints procedures i.e. admissions and transfers, exclusions and employment. Further details about these procedures are available in other SEN policies.

### **Aims**

The aims of the school complaint procedures are to:

- Answer concerns raised through informal discussions as soon as possible.
- Deal with any complaints raised, using the correct procedure, within the recommended timescales by an appropriate person.
- Ensure that staff, Governors and parents are aware of the process and procedures to be followed when dealing with a complaint.
- Maintain confidentiality
- Ensure the resolution of the complaint is the key focus rather than apportioning blame.

## **The Process**

### **Preliminary Stage – Dealing with a Concern or Complaint Informally**

In most circumstances concerns raised by parents can be resolved using an informal approach.

- Parents should be encouraged, at all times to speak informally in the first instance with the Class Teacher, at the end of the school day or by formal appointment.
- If a general concern being raised is felt by the parent not to be dealt with satisfactorily this concern should be re-referred to the Year Leader, or Deputy Head Teacher.
- If the concern is regarding a member of staff it should be referred to the Head Teacher.
- This can be done in person, by telephone or in writing.
- If the complaint is made in person or by telephone a complaints record must be completed by the member of staff dealing with the complaint giving a summary of complaint. (appendix 1a & b).
- The Head Teacher must be advised of any concerns raised.
- If the concerns raised is about the Head Teacher a preliminary discussion between the complainant and the Head Teacher should take place, however if this is not appropriate then the complainant should approach the Chair of Governors (stage 2 in the process).
- The concerns should be investigated and the outcome communicated to the complainant.
- At this stage if the concerns are resolved to everyone's satisfaction there is no further action to take.
- If the complainant is not satisfied with the outcome of the preliminary stage, then they need to take their complaint to the first stage in the formal complaints procedure within 14 working days.

### **Stage 1 – The Head Teacher (Dealing with a Complaint Formally)**

- The complainant should put their complaint in writing to the Head Teacher after having first spoken to the Class Teacher. They must give full details of their complaint and if appropriate provide any supporting documentation.
- The complaint should be acknowledged within 5 working days.
- If the complaint requires an in-depth investigation the complainant should receive an acknowledgement within 5 working days of receipt of the complaint together with an anticipated time-scale. However, this should be within 20 working days.
- If necessary a full investigation should be completed, which may involve interviewing witnesses or taking statements from those involved.
- Documentation in respect of any written notes taken during meetings, witness statements and records of telephone conversations must be kept.
- It may be necessary to meet with the complainant to clarify details about the complaint and to communicate any outcomes.
- The outcome of the complaint should be summarised to the complainant. This should include a full explanation of the decision taken and any action the school is taking as part of the resolution. The Head Teacher will ensure that the actions taken will be recorded, this ensures that there is a clear record of the progress of the complaint or any agreements reached.
- If the complainant is satisfied with the outcome there is no further action to be taken.
- If the complainant is dissatisfied with the outcome of stage 1 then they must be advised that they can refer the complaint to stage 2 in the complaints procedure which is to notify the Chair of the Governing Body within 28 working days.

## Stage 2 - Chair of Governors

- Complainants should write to the Chair of the Governing Body giving full details of their complaint together with any relevant supporting documentation.
- Complainants should send their letter to Chair of Governors c/o Kempshott Junior School.
- A complaint form should be attached to the letter and completed giving summary of the complaint. (Appendix 2).
- The complaint must be logged.
- The complaint should be acknowledged within 5 working days.
- If the complaint requires an in-depth investigation the complainant should receive an acknowledgement within 5 working days of receipt of the complaint together with an explanation for the delay and anticipated time-scale. However, this should be within 20 working days.
- The Head Teacher and Chair of Governors may meet informally to discuss the key issues being raised and to understand what, if any, potential resolutions are.
- The Chair of Governors needs to decide who is responsible for dealing with the issues raised, this will determine what authority is available to Governors. In particular, the Chair of Governors will need to understand whether the complaint made is related to responsibilities that:
  - are delegated to the Head Teacher by the Governing Body.
  - fall within the Governing Body responsibility only.
  - are within the Head Teacher's terms & conditions and relate to the organisation management and control of the school.

### Decision planner available at Appendix 3

- Appropriate investigations should take place this may include re-interviewing staff and/or pupils and taking statements.
- If as part of the investigation, it is necessary to interview pupils they should be accompanied by a parent / carer.
- If a pupil has said that they do not wish their parent/carer to be present, a member of staff with whom the pupil feels comfortable should be asked to attend.
- Documentation in respect of any written notes taken during meetings, witness statements and records of telephone conversations must be kept.
- Where the responsibilities are delegated or fall within the remit of the whole GB the Chair of Governors can reconsider the matter. This can include taking into consideration new information that the Head Teacher had not been aware of at the time of the original response, and requesting the Head Teacher reconsiders the original response in light of the new information.
- If the matter falls within the Head Teacher's responsibility to make the decision the Chair of Governors will only be able to review the decision. Consideration must be given as to whether the decision or action taken, taking into consideration the information available, was reasonable within the range of reasonable responses.
- If new evidence has come to light during the review, the Chair of Governors can refer it back to the Head Teacher for reconsideration of the original decision made.
- If the Head Teachers conduct is being investigated the Chair of Governors needs to decide whether this is dealt with through the complaints procedure or via the staff disciplinary procedure.
- If at this stage the complainant is satisfied with the response, there is no further action.

- If the complainant is dissatisfied, then they have the right to appeal to the Governing Body's complaints panel within 28 working days.
- The Chair of Governors must advise the complainant of the authority that the Governors' have at the appeal stage explaining when they are able to reconsider the whole matter and when it is a review only.

### **Stage 3 - Governing Body's complaints panel – reconsideration or review**

- The Governing Body must ensure they appoint a Complaint Panel when setting up their committees for the year, there can be a pool of Governors but the actual complaint panel will consist of 3 Governors with no prior involvement in the complaint.
- Complainants must put their complaint in writing to the Clerk of the Governing Body c/o Kempshott Junior School.
- A complaint form should be attached to the letter and completed giving summary of the complaint.
- The complaint must be logged.
- The complaint should be acknowledged within 5 working days.
- The Clerk should arrange a meeting to discuss the complaint between the complainant, any representatives (a friend may accompany the complainant) the Head Teacher, any relevant members of staff and the panel.
- At this stage in the complaint procedure the complainant should be clear about the authority of the Governing Body complaints panel from stage 2. The appeal will consist of either a reconsideration or review of the decision.
- Where the responsibilities are delegated or fall within the remit of the whole Governing Body, the panel can reconsider the matter. This can include taking into consideration new information that the Head Teacher had not been aware of at the time of the original response, and requesting that the Head Teacher reconsiders the original response in light of the new information.
- If the matter falls within the Head Teacher's responsibility to make the decision the panel will only be able to review the decision. Consideration must be given as to whether the decision or action taken, taking into consideration the information available, was reasonable within the range of reasonable responses.
- If new evidence has come to light during the review, the panel can refer it back to the Head Teacher for reconsideration of the decision made, in light of the new information.
- If the Head Teachers conduct is being investigated the panel needs to decide whether this is dealt with through the complaints procedure or via the staff disciplinary procedure.

The appeal panel meeting should follow the following process:

- The Chair Person provides an explanation of how the meeting will be conducted, check that everyone has relevant documentation and ensure by explanation that all are aware of the authority of the panel.
- The Clerk should make notes of the meeting.
- The complainant makes verbal submissions.
- The Head Teacher can ask questions.
- Head Teacher makes verbal submissions.
- The complainant can ask questions.
- Panel members may seek clarification at any stage in the process.
- A brief summary of the complaint is made by the complainant.
- A brief summary is made by the Head Teacher.
- Hearing closes making sure everyone has had full opportunity to put across their case.

- The complainant must be told when they will receive their response, (this is dependent on whether the Head Teacher has to consider any recommendations).
- Response should be issued within two working days of the meeting, this should contain a summary of the issues, the key points discussed, reasons for the decision and the proposed actions or the outcome.

For general complaints this exhausts the School complaints procedures. If complainants want to pursue their complaint further they will need to raise it to the Secretary of State and should seek advice in the first instance from the LEA complaints advisor.

For complaints regarding the National Curriculum or the provision of religious education complainants can appeal further to the LEA.

#### **Stage 4 – Appeal to LEA**

There are various other types of complaints that may fall into the following categories:-

##### **Vexatious Complaints**

In some circumstances even though the complainant has exhausted the complaints procedure they persist with the complaint.

Complaints are deemed as vexatious when they:

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

A decision needs to be by the Governors as to whether these complaints are directed to and dealt with by one person or restricted (e.g. only able to raise matter via a letter).

If a conclusion has already been reached following the original complaint, but the complainant continues to pursue the school may write to the complainant explaining:

- the matter is concluded and there will be no more correspondence.
- If correspondence continues it will be filed but will receive no acknowledgement
- Respond briefly making reference to previous documentation that has already dealt with the complaint.

##### **Abusive Complaints**

Abusive complaints that are both intimidating and aggressive can be either in writing or verbal.

We believe that everyone (the complainant and the person receiving the complaint) has the right to be treated courteously and with respect. Anyone who feels threatened should report their concerns to the Head Teacher.

The Head Teacher will take the following action:

- Complete a violent incident form and forward to the LEA.
- Write to the complainant requesting their behaviour stops immediately.
- Refuse contact with all staff.
- Report the incident to the Police – particularly if the abuse is persistent and this is a form of harassment.

If the abusive complaint is via the telephone, the person receiving the call should explain to the caller that they will end the call if their behaviour does not improve. If there is a need to end the call this again should be reported to the Head Teacher and a file note of the incident should be recorded.

Further advice is available from the Legal Service in the Chief Executives Department.

### **Anonymous Complaints**

Anonymous complaints should not be responded to. However, the Head Teacher and the Chair of Governors need to consider whether:

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