

<b>KIMPTON, THRUXTON &amp; FYFIELD CE PRIMARY SCHOOL</b>		
<b>POLICY:</b>	<b>COMPLAINTS POLICY &amp; PROCEDURE</b>	
<b>DATE AGREED:</b>	<b>24 November 2015</b>	
<b>DATE OF NEXT REVIEW:</b>	<b>Autumn 2016</b>	
<b>HEADTEACHER</b>	<b>MRS SALLY JENKINS</b>	
<b>CHAIR OF GOVERNORS</b>	<b>MRS MARGARET ROME</b>	<b>Signature .....</b>

**Aims:**

- resolve concerns through informal discussions at the earliest stage
- be speedy, with well-defined timescales and named contacts
- focus on resolution and service review rather than blame
- be accessible to people with disabilities, special needs or language barriers
- promote confidentiality and discretion
- include fair and transparent investigative processes for staff as well as complainants
- indicate other sources of advice: the LEA complaints adviser, Secretary of State
- be forthright in dealing with vexatious, abusive, malicious and anonymous complainants.

**The process**

**A staged approach for dealing with complaints**

Kimpton School recognises the importance of the preliminary informal stage but will follow a progressively more formal three-stage process to address unresolved concerns.

Procedures are designed to help parents feel confident that their concerns will be dealt with as quickly and effectively as possible.

The following stages are sequential:

**The preliminary stage - an informal approach**

Kimpton School places great emphasis on the informal approach, to achieve a satisfactory resolution for all parties at the earliest opportunity.

Parents are encouraged to speak informally with the appropriate or designated member of staff as soon as they have a concern, normally the class teacher. If the concern is about the Headteacher, the school encourages preliminary discussions between the parent and Headteacher. Parents have the opportunity to approach the Chair of Governors if they wish. (Stage 2)

It is hoped that most concerns will be dealt with informally to everyone's satisfaction. Parents are informed of subsequent stages, including an explanation of the responsibilities of the Headteacher and the governors.

**Stage 1 - Headteacher**

Parents will be advised to write to the Headteacher or fill in a Complaints Form, giving details of the concern and enclosing any appropriate paperwork.

The Headteacher will respond to the parent in writing as soon as possible and arrange a meeting, if appropriate, within five days. The Headteacher will aim to summarise the main points in a follow-up letter, following any meeting with parents. This may prevent any misunderstandings and ensure that all parties have a clear record of progress or agreements.

If the complaint requires an in-depth investigation, the Headteacher will acknowledge this and let the complainant know that a full response will take longer than usual. The Headteacher will aim to investigate the complaint and prepare a response within 20 days.

If a parent remains dissatisfied, the Headteacher will decide when to give a final response and refer the parent to Stage 2 of the complaints process.

## **Stage 2 - Chair of Governors**

Parents will be asked to write to the Chair of Governors at this stage, outlining their complaint, explaining the reasons for pursuing it beyond the Headteacher's response and enclosing any relevant paperwork.

The timescales for acknowledging the complaint and making a response at this stage will be similar to those outlined for the Headteacher in Stage 1.

This stage offers an opportunity for achieving conciliation between all parties. Informal discussions between the Chair of Governors and the Headteacher will take place and are key to resolving the complaint and agreeing a way forward. This should prevent any further escalation of the disagreement.

The Chair of Governors will decide who is responsible for dealing with the issues involved, and therefore what powers are available to governors with respect to the particular complaint. He/she will consider if the issues are related to responsibilities that:

- are delegated to the Headteacher by the governing body; or
- fall within the governing body's remit only; or
- are within the Headteacher's terms and conditions of employment and relate to the internal organisation, management and control of the school?

For delegated responsibilities and matters within the remit of the governing body, the chair will look at the whole issue afresh.

If the matter relates to the Headteacher's conduct, the Chair of Governors will decide whether the matter should be dealt with through the complaints procedure or staff disciplinary procedure. Advice will be sought from the LEA complaints adviser or education personnel services.

For matters that are the Headteacher's responsibility, the Chair of Governors is only empowered to look at whether the Headteacher's decision or action was reasonable in the light of the information available at the time.

In the rare circumstance that a parent is unhappy with the outcome, the Chair of Governors will offer a right of appeal to the governing body's complaints panel.

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

Parents who wish to appeal to the governors will be advised to request this in writing to the clerk to the governing body. They will be advised to describe the issues in detail and say why they are dissatisfied with the outcomes of the previous stages.

The governors' powers will be made clear to parents at Stage 2 and re-emphasised at this point. The two forms of appeal are a reconsideration or a review:

The panel will follow the LEA Guidance ([www.education.gov.uk/intranet/policies/complaintsguide](http://www.education.gov.uk/intranet/policies/complaintsguide))

The clerk will arrange and facilitate the meeting.

The panel will consist of three governors with no prior involvement in the matter and the chair should be designated before the meeting. The meeting will be held in an informal atmosphere but will follow a formal agenda.

The clerk will inform the complainant in writing of the panel's decision, within two school days following the meeting, if possible. The letter will include:

- a summary of the issues
- an outline of the main points of discussion
- the reasons for the decision
- proposed actions or outcomes.

For issues related to the national curriculum or the provision of religious education, parents will be told that they can appeal further to the LEA (see Stage 4).

For general complaints, this is the final stage of the school's complaints procedure. If a parent believes that the Headteacher's and governors' actions are unreasonable or the correct process has not been adhered to, the only recourse is to the Secretary of State (see Stage 5). Parents will be advised to seek advice from the LA's complaints adviser at this point, if necessary.

#### **Stage 4 - Local education authority (LEA)**

The local education authority (LEA) offers a further right of appeal for parents who have exhausted the school's procedures, if the complaint is about:

- the national curriculum and related matters
- provision of collective worship and religious education.

The procedure for appealing to the LEA can be found in the HCC leaflet 'Procedures for complaints about the national curriculum, religious education and related matters' dated April 2003, available through the school office or on [www.education.hants.gov.uk/intranet/policies/nationalcurriculumcomplaints](http://www.education.hants.gov.uk/intranet/policies/nationalcurriculumcomplaints).

#### **Stage 5 - Secretary of State**

If a parent wishes to pursue a complaint because they feel a school has acted unreasonably, they can write to the Secretary of State.

The Secretary of State will contact the governing body and the LEA for more detailed information. The Secretary of State has the power to direct the school to revise an action using the same criteria as applied by the governors.

If a complaint is complex and lengthy, the school will keep parents informed of progress either by telephone or letter.

#### **Vexatious complaints**

In rare circumstances a complainant might, having exhausted the complaints procedure, persist with the complaint. Complaints become vexatious when they are:

- repeatedly and obsessively pursued; or
- unreasonable or seeking unrealistic outcomes; or
- reasonable but pursued in an unreasonable manner.

Governors will decide whether all future contacts should be:

- directed to, and only be dealt with by, a named individual
- restricted, for example, to letter only.

If a conclusion has been reached about a complaint, but the complainant continues to pursue it, the school will write to the complainant:

- to reiterate that the matter is concluded and there will be no further correspondence
- to say that, if correspondence continues, it will be read and filed but will receive no acknowledgement
- to give a short response referring to previous documents that have already dealt with the matter.

### **Abusive complaints**

Verbal aggression can be as intimidating as physical aggression. All parties have a right to be treated courteously and with respect. If staff feel threatened, they should report their fears to the Headteacher who will consider:

- writing to the complainant requesting that the behaviour cease
- setting restrictions for further contact with staff
- reporting the incident to the police.

Guidance on handling violent incidents can be found in *A manager's guide to preventing and managing violence and aggression at work* (a corporate publication May 1996) and *Violent incident report form* (Volume 3 of manual of personnel practice).

If a telephone caller becomes aggressive or offensive, the person taking the call should explain that they will end the call if the behaviour persists. If they need to hang up, they should record this action and any further incidents.

Repeated abusive or aggressive contacts may be considered as harassment and Headteachers may report them to the police. The school may seek further advice from Legal Services in our Chief Executive's Department.

### **Anonymous complaints**

Kimpton School will normally not respond to anonymous complaints. Nevertheless, the Headteacher or chair of governors will consider whether:

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