

# Portway Complaints Policy

<b>Date reviewed:</b>	October 2016
<b>Reviewed by:</b>	Leadership team and trustees
<b>Next review planned for:</b>	October 2017
<b>Policy ratified by trustees (as per Scheme of Delegation):</b>	October 2016



**Leading  
Learning Trust**



## Document history

Date	Description of changes made	Version
1/11/16	Initial release as a Leading Learning Trust (Portway) document	1.0

## Review and approval

The Leading Learning Trust trustees have overall responsibility for the policy.

The Head teacher is responsible for the operation of the policy within the school, as well as for the maintenance of a record of concerns raised in accordance with this policy and the outcomes.

This policy is reviewed every three years by the School Leadership Team, and is then ratified by the Leading Learning Trust trustees.

## Changes from the previous version of this policy – as at 23 March 2017

- 1) Introduction includes a complete list of all exceptions to this policy – i.e. all complaints that are not covered by it, and which are thus dealt with under alternative policies as stated (the previous version only referenced admissions complaints).
- 2) 'Concerns and complaints' in the Introduction and Aims sections, as well as where referenced elsewhere within the document, have been replaced by 'complaints' only. 'Concerns' are not the subject of this policy.
- 3) A definitions section has been added after Aims, which confirms the difference between 'concern' and 'complaint'.
- 4) A number of links have been provided to the DfE document Best Practice Advice for Schools Complaints Procedures 2016.
- 5) An additional paragraph has been added to the section Serial or Persistent Complainants. A definition of 'vexatious' has been provided.
- 6) A new section has been added under the heading 'Additional notes re the policy and associated procedure'. The section is entitled 'Policy for unreasonable complainants' and is taken directly from the DfE Advice document. The final section re barring entry is also included.
- 7) A final course of action regarding pursuing a complaint has been outlined – i.e. putting the complaint in writing to the Secretary of State for Education.

## Introduction

This policy applies to any matter which has been raised with the school by parents of pupils as a complaint, but which has not been capable of resolution informally, and which the complainant or the school considers should be dealt with on a formal basis.

The following table details the exceptions to the complaints that are dealt with under this policy, and indicates where the complainant should seek redress<sup>1</sup>:

Exceptions	Who to contact
<ul style="list-style-type: none"><li>• Admissions to schools</li><li>• Statutory assessments of Special Educational Needs (SEN)</li><li>• School re-organisation proposals</li><li>• Matters likely to require a Child Protection Investigation</li></ul>	Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
<ul style="list-style-type: none"><li>• Exclusion of children from school</li></ul>	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .
<ul style="list-style-type: none"><li>• Whistleblowing</li></ul>	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.
<ul style="list-style-type: none"><li>• Staff grievances and disciplinary procedures</li></ul>	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
<ul style="list-style-type: none"><li>• Complaints about services provided by other providers who may use school premises or facilities.</li></ul>	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

## Aims

<sup>1</sup> Note that this table is extracted from the DfE document [Best Practice Advice for Schools Complaints Procedures 2016](#). Complaints regarding the admissions process at the Leading Learning Trust should be addressed to the Local Authority as the trust follows its arrangements (as outlined on the [Portway Primary School website](#)).

This policy is based on the principle that complaints expressed by a pupil, parent or any other individual or organisation should be resolved as quickly as possible without the need to escalate to the formal stages of the procedure. However, where resolution has not been achieved and the person raising the concern is unhappy and wishes to take the matter further, the formal procedure for dealing with complaints – as laid out in this policy - will be followed.

Complaints should be raised **within three months** of the incident or event to which the complaint relates (or, where the complaint relates to a series of incidents or events, within three months of the latest incident or event).

This Complaints Policy is intended to be compliant with Schedule 1, Part 7 of the Education (Independent Schools Standards) (England) Regulations 2010 (as amended) ("the Regulations"). In the event of any variance between this Complaints Policy and the Regulations, the Regulations will apply.

## Definitions

As per the document [Best Practice Advice for Schools Complaints Procedures 2016](#)<sup>2</sup>, this policy uses the following definitions:

- A 'concern' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'(p. 4)
- A 'complaint' may generally be defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*' (p. 4).

As per the Advice, at Portway Primary School we address concerns that parents may have in order to try to resolve them so that they don't escalate into complaints. Concerns are generally dealt with by class teachers, but members of the Senior Leadership Team may also be asked to assist. Our Parental Engagement and Involvement Policy provides further detail regarding how we work in partnership with all parents and carers to ensure the best outcomes for all children at our school.

## The process and procedure

A current copy of the policy is available on the school website. Hard copies are available from the school office.

The policy outlines a (maximum) 4-stage process for the resolution of complaints, which is outlined below.

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<sup>2</sup> Note that this guidance specifies that academy trusts are not required to follow it, but the Leading Learning Trust (of which Portway Primary School is the sponsor) has adopted relevant sections as best practice in the handling of complaints at school.

## **Stage 1 – Informal resolution**

The class teacher and other members of staff can deal with many complaints to the satisfaction of the complainant (i.e. the person who is complaining), without needing to deal with it formally. As a school, we value informal meetings and telephone discussions as a way of improving our procedures and relations with parents.

Please note that it is a precondition to the operation of this policy that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way consistent with the school's vision and values. The Chair of Trustees shall have a discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

There is no rigid time-scale for resolving complaints at this stage. However, it is expected that most complaints will be resolved within **10 school days**. Should the nature or complexity of the complaint mean that more time is required, the school will write to the Complainant within **10 school days** informing them of the reason for the delay and confirming a revised date for resolution.

Should informal meetings and telephone discussions appear unlikely to resolve the complaint, either party (i.e. the school or the complainant) may initiate a move to the Stage 2 for the complaint to be investigated formally. A copy of the formal Complaint Form will be forwarded to the complainant for completion and return, together with a copy of this policy.

## **Stage 2 – Formal resolution at a local level: investigation by a member of the senior leadership team**

The complainant must outline the nature of the complaint, setting out briefly the facts and stating what it is that the complainant considers should have been done or where the school has not met reasonable expectations. The School Complaint Form is attached to this policy: this should be completed, and additional information should be attached. It should be handed to the school office.

An investigation will be carried out by a member of the Senior Leadership Team (who will be appointed by the Head teacher), that may include the offer of a meeting with the complainant. The investigator will speak to others involved. Whenever reasonably possible, any meeting with the complainant will take place **within 15 school days** of the written complaint being received.

The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done **within 15 school days** of any meeting with the complainant; if no meeting is arranged, it will be within 15 school days of the written complaint being received.

Any complaint relating to the Head teacher of the school must be raised in the first instance with the Chair of the Local Governing Body, who will, if an informal resolution cannot be reached, designate a member of the Local Governing Body to investigate in the same way as in the first stage of the formal process outlined above.

Where the complainant remains dissatisfied, he/she may request the complaint is dealt with at Stage 3. Any such request must be set out in writing, stating where the complainant remains dissatisfied and lodged **within 10 school days** of the complainant receiving the findings in writing. An additional copy of the School Complaint Form requires completion at this stage, and should be marked 'Stage 3 Complaint'. Again, it should be handed to the school office.

### **Stage 3 – Formal resolution: Head teacher**

On receiving the 'Stage 3 Complaint' documentation, the Head teacher may appoint a member of the Leading Learning Trust Board to investigate the complaint. The investigation may include the offer of a meeting with the complainant. Whenever reasonably possible, any meeting with the complainant will take place **within 15 school days** of the written complaint being received.

The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done **within 15 school days** of any meeting with the complainant; if no meeting is arranged it will be **within 15 school days** of the written complaint being received.

Further to receipt of these written findings, where the complainant remains dissatisfied, he/she may request the complaint is dealt with at Stage 4. Any such request **must** be set out in writing, stating where the complainant remains dissatisfied, what remedies are being sought, and be lodged **within 10 school days** of the complainant receiving the findings in writing. An additional copy of the School Complaint Form requires completion at this stage, and should be marked 'Stage 4 Complaint'. Again, it should be handed to the school office.

### **Stage 4 – Formal resolution: panel hearing**

The Complaints Panel of the Leading Learning Trust will consider all complaints at Stage 4.

The Complaints Panel must comprise at least three people, which will include one person who is independent of the management and running of the Leading Learning Trust and any of its schools.

The Complaints Panel may also include one or more persons from the following categories:

- (i) A member of the local governing body of the school where the complaint emanated from;

- (ii) A member of a local governing body from another school within Leading Learning Trust;
- (iii) A member of the Board of Trustees from the Leading Learning Trust.

None of the members of the Complaints Panel will have been directly involved in the matters detailed in the complaint – i.e. it will be an independent panel.

The clerk to the Leading Learning Trust trustees will invite the school to put in writing its response to the complainant's reasons for wanting the complaint heard at Stage 4. The school will provide this **within 15 school days** of receipt of the written request from the clerk.

At the end of that period (whether or not the school has responded), the clerk to the trustees will convene a meeting of the Complaints Panel. That meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the school and the members of the Complaints Panel. Whenever possible, the meeting will be held **within 15 school days** of the end of the school's response time.

At any meeting, the complainant will be entitled to be accompanied by a friend but legal representation will not be allowed.

The meeting is not a court case: it will be held in private, and will be as informal as circumstances allow. The complainant will have the opportunity to put her/his reasons for dissatisfaction and to enlarge on them, *but may not introduce reasons that were not previously put in writing*. The school will have the opportunity to explain its position, and each side, as well as the Panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the Panel.

The Panel may make findings and recommendations and a copy of those findings and recommendations will be:

- (i) sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about; and
- (ii) available for inspection on the school premises by the trustees and the Executive Principal.

The Panel will formulate its response as quickly as reasonably possible, aiming to do so **within 10 school days**, and the clerk to the trustees will notify all concerned.

### **Pursuing the complaint beyond the school's jurisdiction**

The outcome letter from the School Complaints Panel exhausts the 4 Stage procedure. If the complainant is dissatisfied with the process, they are able to contact the Secretary of State for Education using the address below:

The School Complaints Unit (SCU)  
Department for Education  
2nd Floor, Piccadilly Gate



## **Additional notes re the policy and associated procedure**

### **Attendance at a Complaints Panel Hearing**

The Complaints Panel will only proceed if the complainant and/or their representative attend. If the complainant does not confirm attendance, or fails to attend on the day without compelling reasons, the Complaints Panel will not proceed and the complainant will *lose their right to the complaint being heard*. Any further attempt to re-open the matter will be considered as falling under the serial/persistent complaint section as below.

### **Serial or persistent complainants**

If at any level a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints policy and procedure, the Chair of Leading Learning Trust may write to the complainant to inform him/her that the procedure has been exhausted and the matter closed; that continued correspondence on the same matter is vexatious (defined in the [DfE Advice document](#) as '*manifestly unjustified, inappropriate or improper use of a formal procedure*'), and that the trust will not respond to any further correspondence on this issue or a closely related issue.

Note that this response will only be invoked when the issue has already been dealt with under the terms of this procedure. If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond, given that such a course of action does not represent a good use of the school's time or resources. This is in line with advice in the DfE document [Best Practice Advice for Schools Complaints Procedures 2016](#).

### **Record Keeping**

A written record will be kept of all complaints that were resolved at the formal stage of the complaints procedure. Records will contain details of whether the complaint was resolved at stage 2, stage 3 or whether it proceeded to a stage 4 panel hearing. The action taken by the school or by the trust as a result of a complaint (regardless of whether they are upheld) will also be recorded.

### **Confidentiality**

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

### Policy for unreasonable complainants<sup>3</sup>

Portway 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 the 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.

Portway Primary School defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

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;

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<sup>3</sup> This section and the following section re barring from school are as per the DfE document Best Practice Advice for School Complaints 2016.

- 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 Head teacher or the Chair of the Local Governing Body will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Head teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Portway 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 Head teacher.

### **Barring from the school premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Portway Primary School will therefore act to ensure that we remain a safe place for pupils, staff and other members of our community.

If a parent's behaviour is a cause for concern, we can ask him/her to leave school premises. In serious cases, the Head teacher or the local authority can

notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Portway Primary School will always give the parent the opportunity to formally express their views on the decision to bar in writing.

## School Complaint Form

Please complete this form and return it to the school office. You will receive an acknowledgement of its receipt and information about the next stage in the procedure by post.

**School name:** .....

**Your name:** .....

**Relationship with school:** ..... (*e.g. parent of child at the school*)

**Pupil's name:** ..... **Pupils DOB:**.....

**Your address:**

.....

**Day tel. number:** ..... **Eve tel. number:** .....

**Please give concise details of your complaint, (including dates, names of witnesses etc.), to allow the matter to be fully investigated:**

*(You may continue on a separate sheet and attach it, if you wish)*

**What action, if any, have you already taken to try to resolve your complaint?** *(i.e. who have you spoken with or written to, and what was the outcome?)*

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

**Signature:**

**Date:**

**For school use only:**

Date form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:			
Date:			