

MANOR JUNIOR SCHOOL
Complaints Policy & Procedure

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This policy states the process and procedure of how Manor Junior School will deal with complaints. Manor 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
- Charging and remissions

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

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
- Be accessible to people with disabilities, special needs or language barriers
- Maintain confidentiality and discretion
- Ensure the resolution of the complaint is the key focus rather than apportioning blame
- Indicate other sources of advice
- Be forthright in dealing with vexatious, abusive, malicious and anonymous complainants
- Ensure that staff, Governors and parents are aware of the process and procedures to be followed when dealing with a complaint.

A summary of the stages for handling complaints is given in **Appendix 8**

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, made through the school office.
- 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 link or deputy head.
- 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.
- The Head Teacher must be advised of any concerns raised.
- If the concern 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 outcomes of the preliminary stage then they need to take their complaint to the first stage in the formal complaints procedure within 14 days.

Stage 1 - The Head Teacher (Dealing with complaints 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 days.
- If the complaint requires an in-depth investigation the complainant should receive an acknowledgement within 5 days of receipt of the complaint together with an anticipated timescale. However this should be within 20 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 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 days (of the outcome of Stage 1).

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 Manor Junior School, Fernhill Road, Farnborough, Hampshire.
- A complaint form should be attached to the letter and completed giving summary of the complaint. (**Appendix 1**)
- The complaint must be logged.
- The complaint should be acknowledged within 5 days.
- If the complaint requires in-depth investigation the complainant should receive an acknowledgement within 5 days of receipt of the complaint together with an explanation for the delay and anticipated timescale. However this should be within 20 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 responsibilities only
 - are within the Head teachers terms and conditions and relate to the organisation management and control of the school.
- 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 child 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 for the whole GB the chair of governors can reconsider the matter. This can include taking into consideration new information that the Head Teacher has 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 fails 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 Teacher's 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 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 of 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. (**Appendix 2**)
- Complainants must put their complaint in writing to clerk of the Governing Body c/o Manor Junior school, Fernhill Road, Farnborough, Hampshire
- A complaint form should be attached to the letter and completed giving a summary of the complaint.
- The complaint must be logged.
- The complaint should be acknowledged within 5 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 new information.
- If the Head Teacher's 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 Chairperson provides an explanation of how the meeting will be conducted checks that everyone has relevant documentation and ensures 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.
- 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 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 outcomes. (**Appendix 3**)
- For general complaints this exhausts the schools complaints procedure. If complainants want to pursue their complaint further they will need to raise it with the Secretary of State and should seek further advice in the first instance from the LA complaints advisor.

- For complaints regarding National Curriculum or the provision of Religious Education complainants can appeal further to the LA.

Stage 4 - Appeal to LA

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
- Unreasonably 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 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 LA (**Appendix 4**)
- 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 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.

Helpful contacts

Customer Relations and Complaints Department tel no. 01962 846572.



Appendix 1 - Complaints Form

When we receive a complaint, we aim to acknowledge its receipt within 5 days and send a full or interim response within 20 days.

Name of parent/carer:

Pupil's name:

Address including post code:

Telephone (day):

Telephone (evening):

What is your concern and how has it affected you?

Are you attaching any paperwork? If so, please list this below:

Have you discussed this matter with a member of staff before filling in this form? If so, who did you speak to and what was the response?

What would you like to happen as a result of making this complaint?

Signature:

Date:

Official Use only

Complaints reference number.

Initial response and acknowledgement:

Action taken:

By whom:

Date:

Date:

Data Protection Act 1988 - We will only process your personal data to respond to your complaint. In general, this data will be used for administrative and statistical purposes.



Appendix 2 - A Complaints Panel

To establish a complaints panel, the governing body should take the following steps:

1. Appointing the panel

- The panel should be appointed regularly each year, not when there is a case to consider. The appropriate time is when other committee membership and terms of reference are reviewed. The chair of the panel should also be appointed at this point.
- Two thirds of governors who are eligible to vote must be present when the panel, and its membership, is established (School Government Regulations (1999) para 37).
- A pool of governors can be appointed so that an impartial panel can be set up at relatively short notice. The names of these governors should be recorded in the main body of the minutes (attached lists can go missing and could be disputed as not actually part of the minutes).
- When a meeting is requested, the clerk should select three panel members in the order they appear on the list in the minutes, i.e. the first three names. If any of these are unavailable, the next should be contacted. This will avoid any appearance of bias.
- To preserve the confidence of all parties in the independence of the hearing, there should be no collusion, or apparent collusion, between members of the panel and those giving evidence. There should be no meetings or prior discussions, even informal discussions, between the panel members and the headteacher or member of staff making submissions to the panel.
- The complaints panel is not a statutory committee, and there are no legal restrictions on its membership. However, a governing body should be aware of the range of issues that may arise and consider whether it may be inappropriate to appoint a member of staff to its panel.

2. Appointing the clerk

- The governing body should appoint a clerk to the panel who should not be a governor and must not be the headteacher.
- A member of staff can be the clerk to the panel, although the governing body should consider whether this would be appropriate. Ideally the clerk to the panel would not be a member of staff as the panel might not appear impartial if that member of staff had a close working relationship with the headteacher and/or other staff giving evidence to the panel.

3. Duties of the clerk

- To arrange and facilitate the meetings and advise on process and procedures.
- To take accurate notes at the meeting (verbatim minutes are not required), which should be typed up, approved by the chair of the panel and kept in the governors' file of confidential minutes with one set of the supporting submissions. The clerk must collect and shred all other sets at the end of the decision-making process.
- To remain with the panel when all other parties have left the meeting. The clerk should be able to read back relevant sections of the minutes if the panel requires this when coming to its conclusion. (This is the point where the proceedings might appear impartial if a member of staff acts as clerk.) The clerk does not need to make notes on the discussions in this part of the meeting. The clerk must record the panel's conclusions and reasons.
- To draft and distribute the letter from the chair to all parties.



Appendix 3 – A Sample Decision Letter

Complaints ref no:

Dear Mr and Mrs

Your complaint:

Thank you for attending the complaints panel's hearing of your complaint on.....

We summarise your complaint as follows:

*

We listened to all submissions and summarise the main points in this way:

*

*

After much discussion, the panel decided that

For a Reconsideration

* to/not to uphold your complaint

For a Review

* that the headteacher's decision, in the light of the information available at the time, was reasonable. <or>

* that the headteacher did not consider the information available, that is:, so the decision or action appears to have been unreasonable.

We also noted that you introduced information that was not available at the time of the headteacher's decision or action and we have referred this to the headteacher for further consideration.

In summary, the reason/s for the panel's decision is/are as follows:

*

*

We feel it would be helpful if you made an appointment to meet with the headteacher and chair of governors to agree a way forward.

This is the final stage in the school's internal complaints procedure. If you feel we have still not resolved the matter satisfactorily, and you wish to take your complaint further, you may contact Customer Relations and Complaints Adviser for the Education Department, on 01962 846572 for more advice.

Yours sincerely

Chair of the Complaints Panel

cc Headteacher

Chair of Governors

Customer Relations and Complaints Adviser, LA



Appendix 4 - Violent Incident Form

CHILDREN'S SERVICES REPORTING FORM CSRF-001

Violent Incident Report Form (VIR)

To be used for reporting aggressive incidents/behaviour towards employees of Children's Services (not child on child) and to be completed in accordance with SGP 18-07 and instructions on this form

School / Workplace	
District	
Local Serial No. (optional)	
<i>Optional use of a local serial number is for each premises/school's own internal recording purposes if/where required</i>	

Type of incident	Tick boxes which most accurately reflect incident
Aggressive physical contact with injury	<input type="checkbox"/>
Aggressive physical contact without injury	<input type="checkbox"/>
Non-physical aggressive behaviour towards a person (eg. verbal abuse)	<input type="checkbox"/>
Violence towards staff	<input type="checkbox"/>
Violence towards property	<input type="checkbox"/>
Damage to personal property	<input type="checkbox"/>
Damage to council property	<input type="checkbox"/>
Sexual harassment	<input type="checkbox"/>
Racial harassment	<input type="checkbox"/>
Cyberbullying	<input type="checkbox"/>
Other	<input type="checkbox"/>

Does this report relate to a weapon brought on site (eg. knife)?	<input type="checkbox"/>
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Date of incident		Time of incident	
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Details of incident	Insert description of incident

Actions taken	Tick the boxes which identify the actions taken
Police summoned or involved	<input type="checkbox"/>
Children's Services Health & Safety Team contacted	<input type="checkbox"/>
Positive handling techniques used	<input type="checkbox"/>
Ground/floor responses involved	<input type="checkbox"/>
First aid provided	<input type="checkbox"/>
Debrief/support offered to young person and staff	<input type="checkbox"/>
F2508 Form completed	<input type="checkbox"/>
Risk assessment undertaken or reviewed	<input type="checkbox"/>
Individual support plan devised or revised	<input type="checkbox"/>
Follow-up/restorative meeting	<input type="checkbox"/>
Hospital visit or stay	<input type="checkbox"/>
HSE contacted	<input type="checkbox"/>
Exclusion from school	<input type="checkbox"/>

Name/title of involved employee	
Occupation/work of employee	

Name of aggressor	
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Name of headteacher/unit manager	
Headteacher/unit manager signature	
Date of report/signature	

Completion instructions	Ensure following is carried out before sending form:
Form to be fully completed, <u>printed and signed prior to forwarding</u> – it is <u>not</u> an on-line form A local form serial number may be inserted in the appropriate box for your own reference only	

Routing instructions	Please send your completed form by post to:
<ol style="list-style-type: none"> 1 Children's Services Health & Safety Team Clarendon House, Monarch Way, Winchester, Hampshire, SO22 5PW 2 Your branch management team as determined/required by each branch (not schools) 	

FOR OFFICE USE ONLY	Database Reference Number	VIR No:
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ADDITIONAL GUIDANCE NOTES FOR COMPLETION

When to complete	Form to be completed under following circumstances:
<ul style="list-style-type: none"> • Whenever aggressive behaviour or violence is targeted towards an employee 	

- If an employee wants a non-physical incident recording (eg. verbal abuse)
- If headteacher/manager considers there a need to report an aggressive incident
- For recording aggressive behaviour towards voluntary helpers, staff or visitors

When not to complete

Form not to be completed under following circumstances:

- Aggressive behaviour or violent incidents towards a child by another child
- Aggressive behaviour towards a child by an adult (alternative reporting exists)

When completed

When completed, the form should be:

- Copied and kept securely with other VIR record copies – not on a personal file
- Used with other records to analyse/trend incidents and responses
- Used as evidence when completing a challenging behaviour risk assessment or identifying appropriate control measures (eg. physical intervention training)
- Forwarded to the recipients referenced in this form's **Routing Instructions**

Other information

Please consider the following when completing the form:

- In addition to the immediate support provided at the workplace, the employee should be reminded of the Council's free and confidential [Employee Support Line \(ESL\)](#) 02380 626606. Headteachers and responsible managers will need to monitor the well-being of the employee as incidents can have delayed effects
- This VIR Form is effectively a separate accident/incident report form for the reporting of aggressive behaviour and violence towards employees. There is no benefit in reporting an incident twice so if this VIR Form is being used, the incident does not also have to be recorded/reported in the staff accident book
- Physical violence incidents resulting in a serious injury or causing the employee to be off work for more than 3 days are legally reportable to the Health & Safety Executive (HSE) using the F2508 Report Form (also forward copy to CSHST)
- Involvement of the police will normally be for the employee to decide but headteachers or managers have an over-riding right to summon the police

Data Protection Act 1998

Personal data will only be used to record the incident and for no other purpose. Data will not be passed to any other organisation unless there is a legislative requirement to do so