



Cheam Park Farm Infants School

Complaints Policy

Purpose

All schools are required by law to have a complaints policy. This policy should help resolve problems and provide a means for issues of concern to be raised and subsequently addressed. All complainants will be treated respectfully during and after the course of any complaints investigation and will receive a written response to their complaint, unless appropriate and reasonable measures have been put in place as a result of the 'Persistent and/or Vexatious Complainants' policy set out below.

Expressing Concerns (Stage 1)

There are inevitably issues that arise that, if dealt with promptly and in a considerate manner, will avoid the need for a formal complaint. Any problem or concern should be raised promptly with the class teacher or member of staff responsible for the area you are concerned about. If your concern is more serious you may prefer to make an appointment to discuss it with the headteacher or a member of the school's leadership team. All staff will make every effort to resolve your problem promptly at this informal stage.

Formal Complaints

Formal procedures will be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. All details of a complaint will be kept confidential except in so far as they need to be shared with people who might contribute to their resolution. The complaint will be dealt with in line with the school's complaints procedure. In most cases it will be your choice as to whether to mount a formal complaint, but the School reserves the right to utilise the formal complaint procedures where the School feels that 'informal' methods of resolving concerns have been exhausted but a complainant clearly remains dissatisfied.

It should be noted that some outcomes of a complaint may lead to action being initiated under other formal procedures, such as safeguarding or disciplinary matters. Where this is the case you will be advised and informed of the procedures that are to be followed. It should be noted, however, that the school will not necessarily be able to provide you with the details of the outcome of those procedures for data protection reasons or otherwise, depending on the circumstances.

If a formal complaint is made to the School you will be provided with a copy of this complaints policy. It is not a requirement that a formal complaint is made in writing, but the school will need to be clear what the complaint is about, and may therefore request clarification from you before investigating the complaint. (Appendix A)

Stage 2 (Headteacher or Chair of Governors)

It may be that the headteacher has not been aware of the concern raised prior to this point. At this stage the headteacher will seek to investigate your concerns, as well as attempting to resolve the matter to the satisfaction of all concerned. This may involve having a discussion/meeting with you. If the complaint is about the Headteacher it will be considered by the Chair of Governors ("the Chair") at this stage. The Chair will seek to resolve the matter through discussion with the head-teacher and you. In doing so and, if considered appropriate, the Chair may wish to meet with you in person.

The School will endeavour to respond, in writing to a Stage 2 complaint within 10 school days after receiving the complaint.

Where concerns cannot be resolved by the headteacher (or the Chair if applicable) then you will be advised that details of your continuing concerns will be accepted either in writing or verbally and then referred to the Governing Body's Complaints Committee (Stage 3).

Stage 3 (Governing Body Complaints Committee)

If a complaint has been referred to a governing body complaints committee ("Complaints Committee") then the Complaints Committee will arrange to meet to consider the complaint. The Complaints Committee will endeavour to provide you with a written response within 20 school days.

Membership of the Complaints Committee will ensure that there is a cross-section of the different categories of governor to ensure impartiality. The Headteacher and chair of governors will not be members of this committee, which will elect its own chair, although one or both may be present at the meeting held to consider the complaint. You will be given the opportunity to attend the complaints meeting to make representations in person and you will have the right to bring a friend/family member or other supporter. The Committee will therefore meet at a time and a venue convenient to all parties. If you decide not to attend the complaints hearing then it may be held in your absence.

Governing Body Complaints Committee – Procedure

The Complaints Committee will want to ensure that the nature of the complaint is understood and, where possible, will seek to establish from you what actions you feel might resolve the problem. In helping to reach a conclusion, the committee will seek to identify possible sources of information and advice to help collate the necessary evidence.

As indicated above, you will be given the opportunity to attend the complaints hearing and will have the right to bring a friend/family member or other supporter. In normal circumstances the Headteacher and/or chair of governors may also attend the hearing, but will not take any part in the decision-making process. A typical hearing may adopt the following structure:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, 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 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 may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within 10 days.

The above procedures for the complaints hearing may vary with the approval of all parties, for example should you wish to meet the Complaints Committee without the Headteacher being present. Where this may be the case you should note that it will still be necessary for the Complaints Committee to meet with the headteacher as part of the process.

Outcomes of Investigation

Whether the complaint has been investigated by the Headteacher, chair of governors or a complaints committee, a written response will be sent outlining the outcome of the investigation and how the conclusion has been reached. The letter will also tell you where to next take the complaint, if not satisfied with the response provided. The aim of the investigation or review will always be to resolve the complaint and achieve reconciliation between you and the school. Nevertheless, it is acknowledged that sometimes you may not be satisfied with the outcome if matters are not found in your favour.

EFA (the Department for Education)

If you still remain dissatisfied and feel the School has acted unreasonably, or that it has failed to discharge a statutory duty, you may wish to refer your complaint to The Education Funding Agency via the Department of Education. This can either be done online at

<https://www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form> or by post to:

The Education Funding Agency
Department for Education
Castle View House
East Lane
Runcorn
Cheshire WA7 2GJ

Persistent or Vexatious Complaints

You may remain dissatisfied despite all the procedures having been followed and reasonable responses being provided. It may be the case that it is not possible to resolve all your concerns and meet all your wishes. Sometimes it is preferable to 'agree to disagree' and move on. If you continue to make representations to the school or continue correspondence into the same issues, the Governing Body reserves the right to inform you, in writing, that the appropriate procedures have all been followed, that all reasonable actions have been taken to try to resolve the issue and that the matter is now closed.

Dealing with Persistent and/or Vexatious Complaints

A vexatious or persistent complainant is not someone who raises legitimate concerns or criticisms of a complaints procedure as it progresses, for example, with regard to timescales, nor are they someone who is unhappy with the outcome of a complaint and are therefore seeking to challenge it.

Occasionally however there may be situations where the Headteacher and/or governing body have done all they can to resolve matters, and it is therefore appropriate to consider closing a complaint as it has been on-going for some time. Alternatively, there may be some circumstances in which there will be a valid reason for not following the full complaints process. Closing complaints may be appropriate in particular where responding to continual communications from a complainant is detracting from the school's responsibility to look after the interests of all the children in its care.

- The Governing Body therefore reserves the right to close complaints from those who demonstrate any of the following behaviours:
- frequently complaining about a variety of different matters, or the same issue through a number of different channels in an obsessive, persistent, harassing, prolific and/or repetitious manner;
- seeking unrealistic outcomes relative to the issue being raised, and stating that their intention is to persist until that outcome is achieved;

- insisting upon pursuing valid complaints in an unreasonable manner;
- persistently making the same complaint with minor differences but never accepting the outcome of any investigation into their complaint;
- challenging a historical decision/action which cannot be changed;
- contacting the school frequently in a lengthy and/or complicated way;
- behaving aggressively and provocatively towards the school and individual members of staff;
- changing aspects of the complaint or the desired outcome part way through the investigation and/or after the investigation is completed and a conclusion has been reached;
- refusing to co-operate with the investigation process;
- insisting on the complaint being dealt with in ways which are incompatible with the adopted procedure or with good practice;
- making what appear to be groundless complaints about the staff dealing with the complaint, and seeking to have them replaced by someone more senior or with a person the complainant names;
- refusing to accept information provided, for no justifiable reason;
- making statements the complainant knows are not true or persuading others to do so;
- supplying manufactured 'evidence' or other information the complainant knows is incorrect;
- raising a large number of detailed but unimportant questions and insisting that they are all fully answered;
- lodging a number of complaints in batches over a period of time, resulting in related complaints being at differing stages of the complaints procedure;
- pressing for further investigation of matters that have already been addressed;
- electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved;
- using obscene, racist, offensive or threatening language in written or verbal communications;
- threatening or aggressive or abusive behaviour in direct personal contacts with staff;
- using the vehicle of valid new complaints to resurrect issues which were included in previous complaints; and/or
- persistently sending communications which demand responses, or making telephone calls seeking interview with staff, after the school has closed the investigation into a complaint and all rights of review and appeal have been exhausted.

Any complainants demonstrating such behaviour will be given an opportunity to modify their behaviour before correspondence is closed. Correspondence received from the complainant subsequent to closure will be kept on file, indefinitely, as will notes of telephone calls and any further personal calls referring to the matter.

Monitoring and Review

This policy is monitored by the Governing Body and will be reviewed in three years, or earlier, if necessary.

Adopted by staff and governors

Resources Committee

Signed.....

Date.....

Date of next review: Summer 2017

Appendix A - Cheam Park Farm Infants Formal Complaint Form

Please complete this form and return it to a member of the school office who will acknowledge its receipt and inform you of the next stage in the procedure.

Your Name.....

Relationship with school (e.g. parent of pupil on the school roll)

.....

Pupil Name(if relevant to your complaint)

.....

Address.....

.....

Telephone Numbers

Day Evening

Email address

Please give concise details of your complaint.

You may continue on a separate piece of paper or attach additional documents if you wish.

Number of pages attached

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?

Date:	
Signature:	

Official Use

Date note of receipt sent:	
Sent by:	
Complaint referred to:	
Date:	

Appendix B – Complaints Panel Guidelines

The Complaints Panel

- The governing body will nominate a number of members with delegated powers to hear a formal complaint.
- The panel will consist of an uneven number of governors, usually 3.
- No governor may sit on the panel if they have had a prior involvement in the complaint or the circumstances surrounding it.
- In deciding the make-up of the panel, every effort will be made to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- The complaints panel will select their own chair.

The Remit of the Complaints Panel

- It is important that the panel hearing is independent and impartial and that it is seen to be so.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it is recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- The panel can:
 - 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 mitigate against problems of a similar nature reoccurring.

The Role of the Clerk

- The complaints panel will normally be clerked by the Clerk to the Governors unless that person is either unavailable or part of the complaint. In such cases alternative clerking arrangements will be made.
- The clerk will be the contact point for the complainant and will be required to:
- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties 7 days in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

The Role of the Chair of the Complaints Panel

The chair of the panel will ensure that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;

- the issues are addressed;
- key findings of fact are made;
- the panel seeks to assist parents and others who may not be used to speaking at such a hearing to feel at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties and if any new and relevant issue arises give all parties the opportunity to consider and comment on it;
- notify the complainant of the panel's decision, in writing. The letter will also explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Notification of the Panel's Decision

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within 7 days. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Checklist for a Complaints Panel Hearing

The panel needs to take the following points into account:

- The hearing should be as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, 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 headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the executive headteacher and the witnesses after each has

- spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.